



APAP



Afghanistan Parliamentary Assistance Project

QUARTERLY REPORT

For the period April 1 – June 30, 2005

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**Submitted to the United States Agency for International Development
USAID Mission/Afghanistan**

QUARTERLY TECHNICAL REPORT

Introduction/Overview

This Quarter saw a great deal of change both within the project and with our major partners. The Project added key staff, sought and received approval for the workplan and continued collaboration with our national and international partners. During these three months, the National Assembly moved from Wazir Akhbar Khan to Karte Sey, hired close to 200 staff and began a 6-week staff-training program offered by the SEAL Project with APAP support.

Part 1: Progress on Objectives

Objectives referred to in this section are taken from the Project Task Order

Objective 1: Conduct an assessment of the political, legal, and administrative environment for establishing a new Afghan National Assembly.

The assessment was completed by consultant Dave Ogle and submitted to USAID in January 2005.

Objective 2: Provide technical assistance to Assembly preparatory process

Detailed in Objective 4.

Objective 3: Design legislative strengthening strategy and program activities

The work plan detailing SUNY's legislative strengthening strategy and program was approved by USAID CTO Sean Hall May 27, 2005.

Objective 4: Implement program to establish and develop a strong, independent, and effective Assembly.

The following activities, except those included under "General Activities," are organized by the sections provided in the approved work plan.

General Activities

Standing Order Translation: At the request of the Secretary General the Project provided a translation of the 1964 Afghan Parliament Standing Orders. We undertook a review of the translation in May. The translation was reviewed by an independent consultant (at the request of the Secretary General) and the translated version presented to the Secretary General. The Secretary General

will convene a small working group to propose Standing Orders to the Assembly and APAP will be a member of the group. Issues of particular importance include Committee subject matters, size, and process; debate procedures; record making and archiving processes; ethics, and voting methods. These are essential to the ability of the Assembly and will need to be adopted very shortly after the convening of the first Plenary Session.

National Assembly Chamber Design: At the request of the Deputy for Parliamentary Affairs, a review of the drawings for the Assembly main chamber in the renovated building was undertaken and several changes brought to the design, with the approval of the Secretary General and the Minister of Housing. This is part of the needs identified in the Assessment.

Election Consultation: The Project participated in several working groups engaged in the election process in order to provide accurate, concise information to the electorate. This effort is being led by UNOPS, which is producing discreet messages to educate the electorate about the upcoming Assembly elections and the role of the Assembly. Information presented by UNOPS indicates that there is a significant gap in the knowledge of the Afghans about the concept of an Assembly and its core functions. The Project was asked to provide the message content regarding the Assembly and all proposed language was taken as the Project suggested. These efforts will continue throughout the election process. In response to the many requests the Project was receiving regarding National Assembly information, in May, we began work on a “National Assembly 101” document. The document, since retitled “Know Your National Assembly” to be better understood by Afghans who may not be familiar with American College course numbering systems, began as a way to spend less time responding to requests for random information about the National Assembly and to spend more time crafting a targeted message about important National Assembly functions. After producing the short pamphlet, the Project shared it with select national and international partners and incorporated their suggestions. Using this base document, we have contracted with SAYARA media to create a full color pamphlet and comic book. The comic book will be the 6th in a series of comic books produced by SAYARA for USAID funded projects. We plan on distributing over 30,000 of the pamphlet and comic books before the September elections.

(A) Develop specific institutional capacities in the Parliament

1. Conduct a workshop for the parliament directors on parliamentary budgeting, research, legislative processes, media relations, institutional communications, and legislative ethics

In April, the Project conducted a series of workshops with the National Assembly (NA) staff. The workshops covered the following topics:

1. History of the Afghan Parliamentary System;
2. Legislative Management and Administration;
3. Legislative Ethics;
4. Committee Structures and Functioning;
5. Legislative Oversight;
6. Staff Selection and Roles;
7. Committee Leadership;
8. Civil Society and Legislators;
9. Lobbying;
10. Media and Legislative Members and Staff;
11. Formal and Informal Legislative Decision-making;
12. Report Writing;
13. American Legislative Experience.

In addition, Ron Crisman (STTA) and Jawad Rishiq (DCOP) met in the afternoons with officials from the relevant Ministries and engaged in very detailed preparation of manuals, forms, and procedures to create systems of Human Resources and Financial Management.

APAP provided, as a result of the workshops conducted in April, a Manual on Legislative Ethics¹. The Secretary General is the former head of the anti-corruption office in Afghanistan and specifically requested this Manual.

2. Provide manuals on procurement, personnel, supplies, inventory, and financial management

APAP provided the manual on Budget and Finance to the Secretary General². In addition to the manual, APAP staff has worked extensively with the Deputy for on the other subjects required in the workplan item. APAP also worked with the National Assembly and the Ministry of Finance to develop the detailed forms necessary to do daily accounting, budget reconciliation, human resource decision-making, and petty cash management. These forms received approval

¹ See attachment 1

² See attachment 2

from both the National Assembly Secretariat and the Ministry. They are critical to the ability of the National Assembly to conduct its administrative business.

3. Develop a library/research/computer center in Parliament

In June, APAP arranged library training at Kabul University Library for National Assembly staff as part of the SEAL Project training.

4. Provide IT design assistance to parliament

APAP provided the Assembly Personnel Database forms to allow the Assembly to institute standardized personnel data base system. These forms include all necessary data for the institution of the system, and were designed by APAP staff in very close coordination with the Secretariat. In May and June the Secretariat hired its first group of employees to support the Assembly. The Secretariat requested that APAP staff participate in the interviews of prospective employees in the IT section and spent three days participating in the interview. In addition, the APAP Chief of Party was a participant in the interviews of the two finalists for the SEAL Project IT Specialist.

5. Assist in developing a parliamentary bill drafting capacity in the parliament

In June, Glenn Sarka, Public Advocacy Specialist for the Project, began work on modifying a bill-drafting curriculum used in a highly successful USAID funded program in Indonesia for use in Afghanistan.

6. Provide security assistance to the parliament

In June, APAP arranged for security training for National Assembly Security Department staff as part of the SEAL National Assembly training.

9. Conduct an international study tour for parliament directors or key staff

APAP attempted to organize a study tour for key National Assembly staff to India during this Quarter. This observation visit has been delayed to July due to Logistical difficulties including Indian parliamentary availability and the SEAL training we were unable to organize a trip.

10. Assist in developing the public relations department

APAP has begun to cooperate closely with the National Assembly Public Relations Department Director, Madame Sharzai. Cooperation was delayed somewhat due to the Director's involvement in National Assembly staff recruitment and hiring. We hope that weekly meetings will allow us to better

meet the needs of the department, develop a targeted training program for the Staff and incorporate Department staff in upcoming media and other training programs. At the first meeting we discussed department equipment needs, including radios and a television in order to monitor media coverage of the National Assembly. The Project subsequently purchased radios for the Department. Project staff also put her in touch with an Asia Foundation staff that can assist in the upcoming SEAL training. We have also made a commitment to work with the Department on upcoming media and candidate trainings. We also provided the Department with a Media Relations Manual.³

(B) Improve capacities of parliament members

12. Publish a parliamentary candidate's manual for women

During this quarter, APAP worked to identify an organization to produce a manual for women candidates. The Project received a draft Manual and Work plan from UNIFEM for candidates in May and worked with UNIFEM into June to improve both the style and substance of the work. Unfortunately, UNIFEM was unwilling to make the requested changes, so the Project looked elsewhere finally settling on Nasrene Gross and the Roqia Center. Late in the quarter, the Center provided an outline for the document. We are hoping to receive a final draft early in the next quarter.

13. Conduct a pre-orientation training program for parliamentary candidates

Understanding that several other organizations are currently providing candidate training in anticipation of the September elections, APAP continued talks with other international donors to explore the possibility of providing a pre-orientation program as part of another organizations on-going training program. In June, we met with representatives of the JEMB and NDI. At the end of the quarter it appeared likely that we would cooperate in some way with both organizations.

APAP also took advantage of the opportunity to provide information of the National Assembly to Afghan party representatives at the bi-weekly Political Party Forum sponsored by the JEMB. In addition to giving two presentations, we also distributed 40 copies of the National Assembly 101 document.

15. Workshop and manual on media and constituent relations

In June APAP entered into initial discussions with Internews to collaborate on a two-day dual training. The training would include one day where National Assembly staff educates the media about the Assembly and one day where media representatives educate the Staff about the media. We hope to discuss

³ See Attachment 3

the proposal in more detail early in the next quarter. We also provided a manual on Media Relations as a result of the April staff training.

16. Provide committee-strengthening services

In addition to providing staff training on committee operations, we provided a Committee Manual to the National Assembly.⁴

(C) Building parliament's ties to society

22. Develop a parliamentary web site

The Project continued to work on the development of the Assembly web site throughout the quarter.

23. Train the communications media in the workings of the parliament

See (b) 15 above

24. Publish a parliamentary directory

The Project provided to Madame Sharzai samples of Legislative Directories and Committee Directories as a basis for creating Afghan National Assembly Directories. We will continue to work with the Madame Sharzai on this project during the next quarter.

25. Train NGOs, CSOs and interest groups in the workings of the Parliament, and how to interact with the parliament successfully.

The Project Participated in a Center for the Initiative of Private Enterprise (CIPE) roundtable in mid-June. The subject of the roundtable is the legislative process in Afghanistan. The "Parliament 101" was included in the presentation.

The Norwegian Refugee Council has requested APAP to provide training to Council staff. This will happen in the next quarter. The Council addresses issues of land and property recovery and it is expected the Assembly will face this issue in its first year of operation.

In June, APAP began collaborating with other international donors on civil society and National Assembly programming and information dissemination. Project staff met with Counterpart staff to discuss possible collaboration on training NGOs and interest groups interested in working with the National Assembly. We

⁴ See Attachment 4

discussed the possibility of working with Counterpart's local partners to provide trainings. We also discussed the possibility of working with NDI on a "Civil Society and the National Assembly" center close to the new National Assembly in Kabul.

Also in June, we were able to start direct training of Afghan NGOs. The APAP Chief of Party participated in a half-day seminar with members of the Afghan International Chamber of Commerce. 75 people attended. The subject of the seminar was "Private Sector Advocacy before the Afghan Government." APAP distributed copies of the National Assembly 101 to participants.

Part 2: Donor Coordination

In addition to the coordination mentioned in the bi-weekly and monthly reports, APAP spent considerable time in coordination with both the UNDP SEAL Project and NDI.

- ❖ The Project worked on almost a daily basis with **UNDP/SEAL** during this quarter. The APAP's assistance to the SEAL project has taken up an increasing amount of time; much of the work directed at helping make the June SEAL training a reality. APAP was able to step in and provide critical support for the training when UNDP bureaucracy was unable to complete tasks on time or up to standard. The Project is also a member of the SEAL Task Force, which is charged with providing coordination of efforts to establish an effective Assembly. The first meeting of the Task Force was held in early May and continued throughout the quarter.
- ❖ APAP has also developed a close working relationship with **NDI**. In May, APAP and NDI met with USAID representatives to discuss the issues associated with the Constitutional mandate that the Assembly act on laws within thirty days of being submitted to the Assembly or be considered approved. These issues relate to the ability of the Assembly to be truly deliberative in its first few months of operation as there is a likelihood President Karzai will submit a large number of decrees soon after the Assembly convenes and the Assembly will be forced to either act or let the decrees become law without acting. A draft paper was prepared for delivery to the United States Government on this matter. We also began working with NDI on plans for incorporating our candidate pre-orientation into their on-going regional candidate training. We hope to begin activities early in the next quarter.

Part 3: Issues and Problems

The greatest problem facing the Project, and a problem that may have important implications for Afghanistan democracy, is the lack of a post-election calendar. Without a transparent and public calendar outlining when the National Assembly will meet, choose leadership and begin work, we are hampered in our ability to plan programming. More importantly, without such a calendar and the likelihood that events will force a Spring, National Assembly “opening session”, the Afghan people may feel let down elections that will not lead to a share of governance until next year.

The Planning Ministries refusal to register NGOs continues to hamper our ability to operate effectively in Afghanistan.

Coordination with the UNDP/SEAL project, though necessary and fruitful to some extent, continues to be a drain on staff time and resources. In most instances, we are called in at the last second to provide a service that the UNDP, through inability or oversight, is unable to provide. The bright side is that our standing with the Secretariat increases with each “save”.

Part 4: Program Logistics

Staff: During this quarter the APAP international staff was rounded out with the addition of the Chief of Party, Bernie Ryan and the Public Advocacy Specialist, Glenn Sarka both arriving in early April. Due to an increase in activities, the Project hired an Administrative Assistant. This was in addition to hiring a replacement for the translator, Zuhail Atmar, who resigned in May to pursue her education and run for a seat in the Wolesi Jirga.

Travel: At the beginning of the Quarter, air travel proved to be a problem. Azerbaijan Airlines proved to be unreliable as international consultants and project staff ended up stranded in Dubai. Although USAID authorized travel on Ariana Airlines its less than stellar safety record was cause for concern early on prompting the Project to petition UNHAS for inclusion on their list of NGOs able to utilize their services. At the end of the Quarter, we qualified to fly on UNHAS but had yet to qualify for the non-profit rate.

IT: The increase in activity also necessitated developing a better way to share information and documents in the office. During this Quarter we created a “shared drive” to allow all project staff to see and use common documents.

Part 4: Next Quarter Plans

The next quarter we will focus on continuing to prepare the National Assembly Staff, the candidates and voters for the Assemblies opening session. Our plans are somewhat dependent on the as yet unknown post-election calendar. In lieu of such a calendar, the next quarter we will;

- ❖ Complete our commitments to the SEAL project for training National Assembly Staff;
- ❖ Provide a one-day training to NDI candidate trainers, featuring National Assembly staff;
- ❖ Begin publication of the National Assembly 101 pamphlet and comic book through SAYARA;
- ❖ Organize a National Assembly and the Media training for media outlets based in Kabul;
- ❖ Continue to support the furnishing and equipment needs of the Secretariat in coordination with the UNDP and other donors;
- ❖ Develop a Women Candidates Manual through local NGO;
- ❖ Participate, with National Assembly members, on a one-week study tour of the Indian Parliament. The delegation will consists of the Secretary General of the National Assembly, his deputy, the director of international and protocol department, the manager of the Secretary General Office and APAP SLTA;
- ❖ Offer workshops for the research unit, commission clerks/ assistants, public hearing and session staff members;
- ❖ Coordinate with the National Assembly, UNDP, French and other donors to finalize the proposed Standing Orders and the Internal Rules and Regulations of the National Assembly;
- ❖ Continue technical assistance to the Finance, Human Resources, Administration, and Inventory, Supplies, International and Protocol Departments.

National Assembly of Afghanistan

**An
Introduction
To
Parliamentary
Ethics**

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What Are Parliamentary Ethics?

Parliamentary ethics can take on different meanings, depending upon the particular circumstances to which the term is applied. In this introductory guide, it will concern behavior and conduct by members and staff of a parliament or legislature that is appropriate and acceptable for the positions of public trust that they hold. Specifically, this guide will examine the importance and need for a parliament or legislature to build and contribute to that public trust by establishing guidelines and standards that will define for parliamentarians and parliamentary staff certain conduct and activities that are acceptable and appropriate or unacceptable and inappropriate in both their official activities and in their daily lives..

Why Do Parliaments Need Official Ethical Guidelines And Standards?

In Afghanistan's newly democratic society, the National Assembly will hold a special public trust as the "protector" of Afghan democracy. A critical part of this public trust will involve an expectation by the Afghan people that the National Assembly members who serve them and the parliamentary staff who support the members will perform their responsibilities in an ethical manner and with the utmost in personal integrity. The Afghan people have the right to expect nothing less than this from the members and the staff of their parliament.

The Afghanistan Constitution two articles that establish certain ethical standards for executive and judicial officials (unofficial translations):

***Article 151.** The President, Vice Presidents, Ministers, Head and members of the Supreme Court, Head of the Central Bank, National Security Directorate, Governors and Mayors cannot engage in any profitable business contracts with the government or individuals during their term of office. Contracts for the purpose of fulfilling personal need are exception to this provision.*

***Article 154.** Property of the President, Vice Presidents, ministers, members of the Supreme Court and the Attorney General before and after their term of office would be registered and monitored by an organ to be set by law.*

The Constitution includes a third article that has applicability to members of the National Assembly (unofficial translation):

Article 152. *The President, Vice President, ministers, heads and **members of the National Assembly**, the Supreme Court, and judges, cannot undertake other jobs during their terms of office. (emphasis added)*

The only other constitutional provision that relates to the personal behavior of members or staff of the National Assembly concerns a member of the parliament who is accused of committing a crime (unofficial translation):

Article 103. *When a member of the National Assembly is accused of a crime, the law enforcement authority informs the house, of which the accused is member, about the case, and the accused member can be prosecuted.*

In case of an evident crime, the law enforcement authority can legally pursue and arrest the accused without the permission of the house, which the accused is a member of.

In both cases, when legal prosecution requires detention of the accused, law enforcement authorities are obligated to inform the respective house, about the case immediately.

If the accusation takes place when the assembly is in recess, the permission of arrest is obtained from the administrative board of the respective house and the decision of this board is presented to the first session of the aforementioned house for a decision.

It is not uncommon for the constitutions of developed democratic countries to prescribe, as does the Afghanistan Constitution, significantly more standards for conduct and behavior by executive and judicial officials than it does for parliamentarians or legislators. But almost all developed democracies recognize that it is at least as important that their parliament or legislature have official standards and guidelines for their member because members of the parliament or legislature are the representatives of the people--the officials who provide a direct link between citizens and their government. And staff who serve the members play a significant role in both assisting and determining how they perform their representation responsibilities.

The establishment of a strong linkage between a parliament and the citizens that it represents is an essential element for success in a democratic nation. Only through establishment of such a connection with its constituents can a parliament legitimize and institutionalize itself as their representative assembly--as a body that understands

their problems, that cares about their concerns, and that will enact laws in their best interest. The formal establishment of strong parliamentary ethical standards through adoption of an official code of ethics for the members of the National Assembly and guidelines and performance standards for the parliamentary staff could be a vital element in the development of such a linkage between the National Assembly and the people of Afghanistan. It would help to assure the Afghan people that after suffering through years of war, tyranny, and corrupt rule, the members of their new parliament will act to serve the needs of the public and not their personal needs and interests. Even more importantly, it will provide the members and staff of the *Wolesi Jirga* and the *Meshrano Jirga* with guidelines to which they can refer when they are unclear about whether there may be a conflict between the two.

A question may still be raised as to whether it is really necessary to provide elected legislators and the staff who support them with official guidelines concerning ethical conduct because people do not usually find it difficult in everyday life to distinguish correct and appropriate behavior from behavior that is incorrect and inappropriate. But in the complex world of politics where elected officials are regularly called upon to make decisions that will have great impact on other people's lives--and, in doing so, can be subjected to a variety of conflicting pressures--parliamentarians, and parliamentary staff also, find themselves face-to-face with many situations in which what is appropriate or inappropriate behavior is far from clear. It is in these "gray areas" that codes of ethics and ethical guidelines can be of great importance to a parliament. A code of ethics can provide the members and staff of a parliament with clear and specific standards and guidelines that will clarify for them, and for those they represent and serve, what constitutes proper and improper behavior both in the performance of their official duties and in their capacities as private citizens.

It should be emphasized that consideration of the establishment of parliamentary ethical standards should not focus exclusively on the elected members of the body but should also include its staff members. Not long after it officially comes into being in late 2005--if not before then--the National Assembly will have more staff than it does members. While staff do not make official decisions that impact on the daily lives of people as do members, they serve the members in a variety of ways, providing them with information and advice that can often influence how they vote on important issues. Just as importantly, staff represent the parliament, and if the people have reason to doubt the integrity of the parliament's staff, it can hardly be

expected that they will be able to have confidence in the integrity of the members that the staff serve and advise.

By providing the National Assembly's members and staff with standards and guidelines to help them determine what constitutes appropriate and inappropriate behavior, a code of ethics or set of ethical standards and guidelines would provide the people of Afghanistan with an increased assurance that the integrity of their new democratic political system is well protected.

The Parliament's Leaders Should Personally Set A High Ethical Example And Lead The Parliament Toward Adoption Of Official Ethical Standards And Guidelines

The first necessary step in the development of a parliamentary code of ethics will be for the Speaker, the Deputy Speakers, and secretaries of the *Wolesi Jirga* and the *Meshrano Jirga* to establish, through personal example, a high ethical and moral climate for the National Assembly. For the National Assembly's staff, it is particularly important that such a climate be set by the Secretary General. The examples that these leaders set must extend not only to their official parliamentary activities but to all aspects of their personal lives because, in the eyes of a private citizen, everything that an elected member of the parliament does--whether in an official or in a non-official personal capacity--will reflect upon the member and upon the parliament in which the member serves. And such a public perception is often just as true with regard to members of the parliament's staff. It will be very important that the National Assembly's leaders particularly emphasize this point to their members and that the Secretary General emphasize it to the staff.

All members of a parliamentary body, but particularly its leaders, are under constant observation by the media, by political opponents, and by interested NGO groups and organizations. Under such a public microscope, even the appearance of an improper action can do serious personal damage to a parliamentary leader and to the public's confidence in the parliament. Through their demonstration of high personal ethical standards, a parliament's leaders can, by their example, establish an official and binding standard that the other members of the parliament can emulate. Just as importantly, the high personal standards of behavior by a parliament's leaders will earn them a moral stature and credibility in the eyes of their fellow parliamentarians as the ethical standard-bearers of the parliament.

Utilizing the power and influence of their positions and the recognition that they will have earned as their institution's moral and ethical leaders, the Speakers, with the support of their Deputy Speakers and secretaries of the *Wolesi Jirga* and *Mesharano Jirga* should take the initiative as soon as the National Assembly convenes--and before being pushed to do so by the news media, international donors, or the general public--and spearhead the adoption of a parliamentary code of ethics that will serve as a practical guide for the conduct and activities of the members of the National Assembly. Nothing that the newly elected leaders could do would contribute more to sending a strong early message to the people of Afghanistan that their country has entered a new era--an era in which they have an elected parliament whose members are committed to serving them and their interests and needs. With many National Assembly staff positions being filled in advance of the election, the Secretary General need not--and, in fact, should not--wait for the convening of the parliament to prepare and issue ethical and performance standard guidelines for the parliamentary staff.

The Process For Design Of A Code Of Ethics For Members Of The National Assembly Should Provide For Citizen Participation And Input

As a symbol of an open political process and to help build public confidence in the parliament, it is important, that the National Assembly's leaders establish a code-design process that allows for substantial participation and input by citizens and interested NGO organizations. This public input should focus on the code of ethics for members of the parliament. Because the parliament's staff, unlike the elected members that it serves, are not directly responsible to the people, the development of staff guidelines and standards can be undertaken internally through the Secretary General.

The design input process should include a two-stage series of public hearings. The purpose of the first stage of hearings would be for the parliament to receive input from all sectors of the population concerning what is considered important for inclusion in the code of ethics. A second phase of hearings should be held to receive public reaction and feedback after a code of ethics has been drafted and is undergoing review and consideration by the National Assembly.

What Should Be Included

In A Code Of Ethics For National Assembly Members?

There is no such thing as a model parliamentary code of ethics that can, or should, be adopted by every parliament. There is not, and there never could be, a list of ethical guidelines that are appropriate for all democratic parliaments. Each body must tailor its standards to its own unique political culture, to its country's prevailing traditions and practices, and to what its citizens consider important. This will be as true for the National Assembly as it would be for any other parliamentary body--developing or fully developed-- anywhere in the world.

While it is impossible for a non-Afghan (particularly if not fully familiar with the country's customs, culture, practices and political traditions) to specify exactly what should be included in a code of ethics for the Afghanistan National Assembly, it is possible to suggest some areas of parliamentary activity that must be accorded serious consideration for inclusion in such a code. Based on the experience and practices of a number of developed parliamentary and legislative bodies that operate within a variety of cultures and political traditions, each of these areas will almost certainly need to be addressed in some manner for the code of ethics to achieve its intended goal of building trust in the integrity of Afghanistan's new parliamentary and political process and providing some assurance to the Afghan people that those who represent and serve them in their parliament have adequate guidance to act in the public interest and not in their personal interests. These would include:

- A statement that members of the National Assembly hold positions of sacred public trust, that their first responsibility is to always act in and serve the best interests of the people of Afghanistan, and that they should at all times perform this responsibility and comport themselves in a manner that will reflect positively on themselves as members and on the National Assembly as the representative assembly of the people and the foundation of Afghanistan's democracy;
- A requirement that members publicly disclose the sources (but not specific amounts) of private income received by themselves and by their wives or husbands;
- A requirement that a member voluntarily disqualify himself or herself from voting on, or from advocating passage or defeat of, a piece of legislation--both in plenary and in committee--when the member or anyone from the member's

immediate family has a personal involvement in the matter that would result in any of them deriving a special personal benefit from passage or defeat of the legislation;

- A prohibition on any member engaging in any profitable business contracts with the government during his or her term of office;
- A requirement that the sources of all political or campaign contributions to a political party, to a member, or to a candidate for election to the National Assembly be publicly disclosed; and,
- Provision for adequate penalties for violation of any of the code's provisions and guidelines. (This is an essential element in any code of ethics. Without appropriate penalties for violation, the code will lack meaning and have little value.)

What Should Be Included In Ethical Guidelines And Standards For National Assembly Staff?

While the focus of any discussion on parliamentary ethics will be on ethical guidelines and standards for elected members of the body, the parliament's staff also play a vital role in the parliamentary and legislative process. Depending on their specific responsibilities, staff members can play significant, and sometimes pivotal, roles in the outcomes of the process. For this reason and because they, through the members they serve, are representatives of the parliament and servants of the Afghan people, it is important that the members of the National Assembly's staff also be provided with ethical standards and guidelines that will prescribe the parameters of appropriate and inappropriate behavior in both the performance of the official responsibilities and in their personal activities outside the National Assembly.

As is true with regard to a code of ethics for parliamentary members, it is impossible for a non-Afghan not fully familiar with the country's customs, culture, practices and political traditions to specify exactly what should be included in a code of ethics for the staff of the National Assembly. But it is possible to suggest some basic guidelines that should be accorded serious consideration for inclusion in such a code. As was emphasized in the previous section, whatever a particular country's culture, traditions and practices, each of these areas should be addressed in a formal written manner for a parliamentary staff code of ethics to, first, to provide the members of

the parliament with the confidence that the staff who serve them will conduct their responsibilities and undertake their daily activities in the best interests of the parliament and, second, to further contribute to the peoples' trust in the integrity of the country's parliamentary and political process by providing some additional assurance to the people that the staff members who assist their elected representatives will serve the public good and not their personal interests.

Unlike elected members of the National Assembly who are directly answerable to the people and might require an official code of ethics that would be adopted as law, staff members operate under the daily supervision and direction of the Secretary General and other directors under him. As such, they may not require a legal code of ethics but, rather, a set of guidelines and standards issued by the Secretary General (and approved by the appropriate leaders of the National Assembly after they are elected) that would define parameters for appropriate and acceptable behavior. Based on the practices of a number of developed parliamentary and legislative bodies with substantial well-organized staff support systems, the following are suggested for consideration for inclusion in such a set of staff ethical guidelines:

- Staff members represent the National Assembly--the representative assembly of the people of Afghanistan--and everything that a staff member does, whether in an official or personal capacity will reflect on the National Assembly and on how the Afghan people feel about their parliament and government. Personal behavior should, therefore, always be befitting of an individual who holds a position of public trust.
- Staff members are not permitted to receive any compensation or personal payment from any organization or individual outside of the National Assembly for the work they perform in their position as a staff member of the National Assembly.
- Staff members may not engage in any profitable business contracts with the government during their period of employment by the National Assembly.
- Staff members should strictly adhere to regular work hours and schedules.
- If staff members are permitted to hold a second employment position outside of the National Assembly, such position should be disclosed to the staff member's immediate supervisor and to the Secretary General. Any such second employment position should not include any activities or responsibilities that would compromise the staff member's ability to

perform his or her parliamentary responsibilities with fairness, objectivity, and in the interests of the Afghan people.

- If a staff members are permitted to hold a second employment position, staff who request and receive permission to do so should refrain from undertaking any activities relating to their non-parliamentary position during periods when they are being compensated to work at their parliamentary position.
- Show respect for each member of the National Assembly at all times, and do not show any favoritism in your treatment of members. The members of the National Assembly have been elected by the people of Afghanistan to represent them, and you have been appointed to serve the members with fairness and equity.
- Always respect the confidentiality of your discussions and communications with members of the National Assembly.
- Always show respect for fellow staff members. You are all part of a team that serves the parliament and, through it, the people of your country.
- Do not criticize the National Assembly as an institution to personal friends or acquaintances.
- Keep in mind at all times that parliamentary staff members hold their positions for one reason only--to serve the National Assembly and its elected members. If they were not there, the staff would not be there.

As with a code of ethics for members, any set of staff ethical guidelines and standards should make provision for penalties for violation of any of its provisions to both guide and protect the Secretary General and other staff managers when they find it necessary to take punitive measures because of a violation of the guidelines. And, finally, it is very important that the guidelines include a provision to prohibit any form of retribution by or on behalf a staff another who is reported to the Secretary General or a director for a possible violation of the provisions.

Acknowledgements

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David B. Ogle
Kabul Afghanistan
April 2005

THE ISLAMIC REPUBLIC OF AFGHANISTAN

THE PARLIAMENT

THE DESIGN AND DEVELOPMENT OF A JOINT FISCAL UNIT
FOR THE SUPPORT OF PARLIAMENT COMMISSIONS

PREPARED UNDER THE USAID FUNDED SUNY-ARD PROJECT TO
SUPPORT THE ISLAMIC REPUBLICAN OF AFGHANISTAN PARLIAMENT

KABUL, JUNE 2005

THE ISLAMIC REPUBLIC OF AFGHANISTAN

THE PARLIAMENT

FORWARD

At our first meeting with Secretary General, Dr. Azizullah Lodin, we discussed the needs and priorities of the new Parliament staff support. One of the most pressing issues was the development of a Fiscal Unit for the staffing of the Budget Commissions and to provide fiscal analysis and oversight capability for all of the Parliament commissions. His charge to us was a clear statement that he wanted to have a professional and highly skilled fiscal unit that could perform all of the needed services but not become an overly large independent organization.

There are many models of Fiscal Units that run the range of a few professionals assigned to specific committees to very large groups of analysts and experts with broad definitions of their areas of interest. The attached Fiscal unit design represents a small but highly efficient unit that could provide for the needs of the Budget Commissions and also be able to provide some advice and information to the other Commissions of the Parliament. Each house would have two skilled analysts with backup capability available in a central unit. As the workload shifts between houses in the movement of the large appropriation bills, the staff could be temporarily assigned to follow the bills and the analytical requirements.

The problems associated with staff multiple reporting assignments is addressed by the creation of a Joint Fiscal Committee (JFC) composed of the Chairs of the two Budget Commissions, and two or three additional member from each house. This configuration would permit the committee to have some input from the other committees with interests in fiscal matters and also permit the leadership of the houses to provide some reasonable political balance. The usual method of selecting the Chair of the JFC is to annually rotate the chair between the two Chairs of the Budget Commissions. The JFC would be responsible for the assignment of staff as needed and provide policy directions on the fiscal issues. The Joint Fiscal Office, a department within the Secretary General's organization, would report to the Secretary General for all administrative matters and day-to-day management. Although this may appear to be a matrix management structure, it is an effective arrangement and one that usually provides for the necessary supervision of the fiscal unit. If there is a need to adjust the working conditions and the

staff assignments, the JFC chair should consult with the Secretary General and use his office to accomplish the adjustments.

Joint Fiscal Committees in many governments may also provide an additional service, when the legislature is not in session, by being tasked with approval of donor grant acceptance, adjusting limits of spending when authorized and other in-term circumstances.

This proposed design is accompanied by a detailed methodology for reviewing and analyzing Government budget requests. The various sections are purposely generalized and do not specify the Budget and administrative laws and processes. The frequent law changes are best referred to within those laws and not require the Fiscal Unit manual to be revised on an annual basis.

It must be emphasized that an effective Fiscal Unit is composed of skilled and dedicated analysts. The recruitment and hiring processes should strive for candidates with best mixture of talent, curiosity, self-motivation and honesty. Staff should be encouraged to examine all issues and programs with an open mind and look for alternatives that might be a better public investment. They should also be able to present their work and analysis in a professional manner to varied audiences and be confident with their recommendations. They should not be required to present a political point of view that is the role of the politicians and members.

One last word about the Parliament Budget process. The Constitution as presently structured is unworkable in terms of the time limits imposed on the process. There are some potential ways to circumvent these impediments by requiring the Government and the ministries to provide early information to the Budget Commissions on the basic macro-economic assumptions, growth trends of programs and any other background information that would aid the analysts and the Commissions. The long-term best adjustment would be to change the constitution to provide at least three months for the Parliaments consideration of the requests. That is the usual pattern in most democracies.

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June 2005

THE ISLAMIC REPUBLIC OF AFGHANISTAN

JOINT FISCAL COMMITTEE EMPLOYEE'S GUIDE

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THE ISLAMIC REPUBLIC OF AFGHANISTAN

THE PARLIAMENT

Introduction –Joint Fiscal Committee Staff’ Guide

The Budget Commissions of the Islamic Republic of Afghanistan (IRA) are responsible for examining, studying, analyzing and reviewing the IRA Government's proposed disbursements and expenditures and anticipated revenues. Based on the facts and results concluded in the discussions and deliberations made by the Commissions, each house Budget Commission proposes to its house a series of amendments and recommendations to be voted on. Consequently, the Joint Fiscal committee's staff budget support activity is a huge responsibility that affects and influences the life, health, safety and welfare of the Afghanistan people.

General

Three of the most important tasks of a legislature are the creation of laws to govern, the provision of authority and resources for implementation of those laws and the oversight of the government programs and activities to insure that the laws are carried out in an effective manner. The budget and all of the processes related to it are crucial to those tasks.

The legislature designates the Budget Commissions to assume the management and conduct of the various activities by providing a critical analytical study of the needs and programs necessary for the well being of the people. The Budget Commissions through the Joint Fiscal Committee (JFC) provide a regular staff and the assistance of staff from other commissions to study and analyze the problems and proposed solutions for the managing the work of the Government.

This manual contains the basic guidance for the staff in providing the necessary support service to the JFC and the Parliament. There may arise circumstances that are not covered by the material in this manual and the committee, the committee chair and the staff leadership will manage those events and issues.

Given the above, the employees' work is of a great deal of importance for the Parliament in the budget process. This guide was designed to clarify the policies and measures pertaining to the JFC's work and expectations. Moreover, it provides the employees with guidelines and directions that enable them to perform their duties in the best possible way.

The general budget is usually viewed as a financial summary of the Executive Authority's needs and requirements. It is far more than figures and calculations; it is considered one of the most important laws discussed and passed by the Parliament because it is the priorities and policies of all IRA programs voted on by the elected representatives. Moreover, it is more like a popular statement because it is approved by the elected representatives of the people and clarifies the government's plans and ambitions concerning its choices of activities and actions to ensure safety, health and economic opportunities for all.

Nothing is better for the employees' work and support more than the JFC chairmanship and members' awareness of their responsibilities in the budget process. Consequently, the preparation and use of this guide is considered a serious statement that underlines the Parliament's intention to carry out its responsibilities in the budget process.

Purpose

The JFC's policies and procedures concerning work progress and performance of the support team of employees are aimed at directing and guiding the technical and administrative functions of the Joint Fiscal Office (JFO). The Budget Commissions perform one of the most important functions of the legislative process through analyzing the general budget and submitting recommendations regarding it. The work of the JFC and its employees affects in one way or another the life of every Afghan individual because it plays an important leading role in the making of decisions concerning the level of taxes and governmental expenditures. Consequently, every member and employee of the JFC shoulders the responsibility of striving for the highest and most advanced levels of proficiency, accuracy and keenness to work.

THE BUDGET COMMISSIONS STAFF

1-1 Mission Statement:

The major function of the staff is to support the work of the Budget Commissions by providing timely and accurate analytical information for the Commission's study and deliberation.

The provision of alternatives to the requested program plans and costs are considered to be an important part of the staffs responsibilities

The staff has the additional assignment to identify programs for oversight study that are not providing the service and /or benefits that were the reason for authorizing and funding the activity.

1-2 Goals:

:

Develop and implement effective and timely analysis techniques and methods

Provide reasonable alternatives for the committee to consider

Provide secure and confidential information as directed by the commissions and /or the JFC.

Develop and practice a positive cooperative relationship with other Parliament committees and staff and the executive ministries and their staffs

1-3 Objectives:

Objectives will be annually determined by the committee and the staff

2-1 Ethic Responsibilities:

2-2 The staff must respect the confidentiality of information they encounter at work and must not have any political or partisan activity that could jeopardize the correctness of their work and recommendations

2-3 The work of the commissions may have political consequences and are to be considered confidential

2-4 The Chair and the commission members shall be the spokespersons for the commission work product and the staff shall not discuss or release any of their work to anyone unless directed by the chair and/or the commission members.

2-5 The staff must not practice discrimination on basis of racial heritage, age, sex or religious beliefs

3-1 Work Circumstances and Conditions:

3-2 The staff shall have a normal Parliament workday and week unless directed otherwise by the commission chair and/or clerk. There may be periods during budget analysis and oversight activities that require additional hours and days and that will be considered as a condition of employment without compensation. The JFC may consider granting compensatory time as a result of unusual additional work periods.

3-3 Staff will dress in an appropriate and neat manner when attending commission functions and when the staff appears in the public on commission business as representatives of the commission.

3-4 Staff workspace should be maintained in an orderly way with confidential material properly secured.

4-1 Organization and Supervisory Relations

4-2 The organizational structure in Annex A depicts the supervisory relations. The administrative chain and hierarchy begin with the Speaker of the either house of the Parliament, then the Chair of the JFC, and then as illustrated in the organizational structure.

4-3 The staff reports to the commissions through the chairperson unless other specific arrangements are assigned. Members of the staff and other commission staff as assigned to the Budget Commission for analysis of the budget report to the chair through the Clerk of the Committee.

4-4 If an employee is asked to perform certain duties for another commission or for another department office he/she must obtain prior permission from the Chair of the JFC or the Joint Fiscal Officer (JFO). The employee must inform the requesting party to coordinate with the head of the JFC for the sake of providing the service he is asked to provide with utmost felicity and politeness. This condition is necessary in light of the pressure resulting from the necessity to complete the analysis and recommendations by the set deadlines.

5-1 Relations with the Ministries and Other Parties

5-2 The development of positive relations with the members and staff of other Parliament Commissions, ministries and other public and private organizations is critical to the collection of information and the work of the committee. All governmental agencies, NGOs and private associations regularly collect and publish information that is pertinent to their operations. The staff should strive to establish a positive and cordial relationship with all other public and private organizations.

5-3 Staff visits to ministry field operations and other work sites are a great source of knowledge that cannot be found anywhere else. Meetings with client and recipients groups are important to understanding the value and utility of most governmental programs.

6-1 Training and Improvement and Development of Administrative Relations

6-2 The JFC's policy involves providing continuous education and training to its employees. This can take the form of lectures, courses or hands on training with the ministries.

6-3 Employees must be encouraged to devise and develop analytical tools that enable them to develop their individual abilities and capabilities to improve their knowledge, skills and experience in technical fields within the scope of their work.

6-4 The JFC welcomes suggestions and ideas pertaining to developing staff administrative and organizational skills. Suggestions must be made in writing with a adequate clarity and detail.

6-5 The period after completing work on the budget is the best period for drawing up educational and training programs for the Budget Commissions, the JFC and it's employees.

6-6 Annex (D) outlines the minimum necessary level in the area of employee training. It is added as an annex to facilitate updating the manual in the future.

7-1 Equipment and Materials' Usage and Maintenance

7-2 Equipment, furniture and materials are provided to enable the employees to perform their duties and work. They are not for personal use unless private usage is approved by the Chair of the JFC or his/her official representative.

The Analyst and Analytical Work

8-1 Definition of the Analyst

Analysts are persons who undertake the responsibility of exploring and inquiring about the nature of entire programs and alternative ideas and suggestions. They must be properly educated and must have background, training, experience and expertise that make them cognizant and knowledgeable of all aspects of the issue they are analyzing. Moreover, they must have the ability to work under pressure and to meet specific deadlines. They should have self motivation and enjoy a great deal of curiosity and inquisitiveness; have the ability to deal and communicate with others verbally and in writing; and have the ability to defend the results he reaches in a positive civil manner. Furthermore, the best analysts are able to

cooperate and consult with deeply involved and informed people about the issue they are studying, and at the same time are able to keep their opinions and viewpoints and focus on facts and evidence derived and concluded from analysis.

8-2 Education, Training and Experience

An analyst should have a Bachelors, and preferably a Masters, degree. There are many persons who have become extremely competent analysts although they have lesser education attainment. They have managed to develop necessary expertise and skills that enable them to perform their analytical functions in the best possible way. Specialized education is considered somewhat important for an analyst who must work in complicated matters of research. It is also important for such analyst to be familiar with economic and financial experiences and models. Nonetheless, possession of a strong background in any field that requires research and complicated inquiry can help prepare a person for performing his professional task in the best possible way.

Additionally, experience in areas related to the work like mathematics, accounting, law and architecture, and maybe in some social sciences, is considered very important and even vital for developing the technical skills of a good analyst. Furthermore, availability of a specific training curriculum [manual] helps prepare a person to perform analytical tasks in areas that require extraordinary information.

8-3 Analysis Process

The analytical process must be based on an organized, well-devised plan with procedures and actions. It may be possible to deal with a broad group of subjects and specialties whose results may be inconclusive and variable to a degree whereby it becomes difficult to obtain useful beneficial results. For this reason, an analyst must devise a work plan that incorporates all related factors although it is necessary to confine the scope of the research to information that is related directly to the analytical questions

8-4 Analysis Plan

An analysis plan for a routine project must incorporate the following characteristics and features as a minimum:

- Defining the problem and/or the opportunity to be analyzed.
-
- Historical background and aspects of the subject.
-
- Quantity and quality of the database to be examined and studied
-
- A list of information sources to be taken into consideration.
-
- A list of the institutions, bodies and/or individuals to be interviewed or consulted.
-
- A list of similar or probable circumstances conditions or programs to be studied and compared.
-
- Determining a measurement system and/or criteria to be applied to the results and facts that will be reached.
-
- Determining the methodology that will be used and followed in the analysis.
-
- A timetable of the incidents and activities and the anticipated completion date.

During the process, the details outlined above can be modified to fit the plan. These inputs are normally used to determine the scope of work, time, human resources and required funding for the project.

8-5 The Confidence Factor

The use of a special system for evaluating information is considered a useful tool of assessing the accuracy and quality of the information used in the analysis process as well as in the consultations and recommendations resulting from it. An evaluation system is normally a scale from 1 to 10 whereby 1 refers to the least degree of credibility while 10 refers to the highest. Consequently, utilization of such system is considered one of the ways that enable an analyst to judge information and their sources accurately.

Example: 1 (low credibility)
 5 (average credibility)

10 (high trusted credibility)

8-6 The Research and Work Process

The methodology followed in research varies from one type of project to another, but normally the relative importance, time, and available financing for an analytical work are considered limiting factors.

In principle, all analysis must utilize the most accurate obtainable research and relevant notes. When sites are searched, studying information and historical aspects and making comparisons between similar projects in other regions and areas, and any other reference frameworks are considered basic pillars of the analytical process.

Additionally, familiarity with project management in private and public sector institutions is considered a major component of a study because good projects occasionally suffer from inefficient and squandered resources due to a managers' bad practices. The contrary may be true: badly designed projects, which lack financing and have a lesser degree of priority, may exhaust resources that could be used in well managed projects to assure accomplishment of more important goals.

As part of the planning efforts, signs or reference points (Mile posts) must be established and inserted in lengthy detailed analytical studies because they provide a mechanism through which it can be possible to determine and measure progress and the direction in which the study is heading.

8-7 The Results and their Presentation

When a study is completed an analyst prepares a written presentation of the aims of the study, the applied methodology, the available information sources used in the research, and the results of the analysis. Most projects require the analyst to provide recommendations on alternative methodologies or procedures to obtain the desired outcomes. In some cases, the analyst may be asked to present only the outcomes he/she has concluded, leaving to others the responsibility of presenting alternatives.

9-1 Information

9-2 The majority of the work of the commissions and the staff is essentially an information gathering, study, analyzing, creating and disseminating effort. The success of the committee's work is totally dependent on the availability and quality of the facts and

data. It is mission of the staff and other sources to provide them in a timely and accurate manner. The primary responsible party for the acquisition and analysis of information is the staff. They should establish with the commissions the kind and reliability of facts that are basic to the budget and oversight processes and also what information could be important in future committee work.

9-3 It is impossibility for the Parliament or any other legislative body to recreate that information that is a byproduct of the Government operations, and they should not attempt to do so. With the technology that is available to both the Government and the Parliament, there should not be a technical or physical problem in sharing a common information base. Sharing information requires responsibility on the part of the legislative branch to observe the security and confidentialities of the information base. The Parliament should have the right to read (only) regular and normal financial and operational data that is in the public domain. Information that relates to personal individuals and / or groups, information about contracts under negotiations or data concerned with the security of the State should be available to the Parliament only under strict legal or court ordered authority.

9-4 The collection and analysis of information concerning ongoing programs and emerging economic and social problems are a year round activity. Information needed during budget deliberations must be based on facts that have been gathered and analyzed over the period of the year. It is too late to look for information at the last minute.

9-5 The staff should be responsible for identifying the most accurate and timely source of any specific series of facts and open communication with that source for the sharing of the data. The work of the staff in the off periods of budget formulation and approval should be devoted to the building the data base necessary for the Commissions work on the budget and preparing and conducting research relevant to oversight activities.

9-6 Suggested Database for Analyzing the Budget

Geography:

Land

- National "Physical" Geography
- Rainfall
- Mineral and Metallic Resources
- Internal Water Surfaces and Reserve Resources
- Agriculture and Grazing
- Wet Lands
- Rivers and Springs
- Cities, Villages and Rural and Bedouin Areas
- Transportation and Communications
- Energy Infrastructure and Other Benefits
- General Structure
- Environment:
 - Air Quality

Water Quality
Solid Waste Management
Animal population
Vegetation

Demography:

Population

Distribution by urban and rural areas and regions
Distribution by ethnicity
Distribution by age and sex
Educational level
Vocational training
Health and mental health conditions
Alcohol and drug problems
Criminal activity

Labor Force (classification of categories by age, sex and location)

Size of the labor force
Unemployment (by sector)
Underemployment
Educational needs
Labor force inside Afghanistan and other countries
Anticipated growth of the labor force
Present and anticipated requirements of the industrial labor force and commercial businesses (by sector, area and companies)

Cultural Resources

Art and music
Museums and heritage facilities
National parks and recreation areas
Playgrounds

Religious Concerns

Support of clergy
Maintenance of religious structures
Providing access to the Hajj

Economic Conditions and Trends (all sectors by sector and location)

Banking
Insurance
Retail commerce
Wholesale commerce
Mining
Light industries
Heavy industries
Construction

- Governmental
- State
- Local
- Private

Handcrafting and home professions

Education:

- Elementary schools
- Preparatory/middle schools
- Secondary/high schools
- Higher Education Facilities
- Vocational training

Business

- Import and Export
- Transportation
- Communication
- Media: Newspapers, Radio and TV
- Tourism
- Hospitality:
 - Restaurants
 - Hotels and resorts
 - Other
- Health:
 - Doctors and dentists
 - Hospitals
 - Supportive medical professions

Wealth and Income

- Personal income
- Corporate and Business income
- Savings
- Due personal debts
- Due corporate debts
- Due governmental debts
- Property appraisal
- Nontaxable wealth and property appraisal
 - (Nongovernmental and religious organizations)

Government Programs

- State: All programs supported, run and supervised by the state
- Governmental-Local: Programs partially or wholly supported by the state
- Locally invested monies

Local: programs with entirely local nature and financing
Governmental support for nongovernmental organizations
Private establishments or projects owned and run by the state
Governmental loans, gifts or transfers to private projects
Tax and revenue laws and regulations

Changes of the laws and social conditions require constant updating of the database. **In summary, an analyst has to know how and where to get information. In fact, information must be readily available to at all time.**

10-1 The Parliament Budget Cycle

The promulgation, consideration, passage, execution and finally evaluation of a governmental budget is a year round activity. The staff of the budget committee should organize its schedule of work to prepare the background information and materials for each stage of the cycle as needed by the committee for its deliberations and study.

Specific details as to the timing and the content of reports and communications relating to the budget cycle are provided in the Constitution and the Budget Law and will not be repeated in this manual.

Changes that may be made in the dates and activities of the budget process will be followed without having the need to amend or revise this manual.

10-2 The Beginning of the Cycle (time: early spring)

The Commissions, the JFC and the staff should be involved in the review and approval of the MOF budget circular that provides the basic budget preparation instructions to the ministries and other organizations. The staff should anticipate this annual event and have prepared their comments and recommendations for the JFC review of the instructions. The instructions are the guidance for the ministries and provide the macro economic assumptions and other necessary information for use by the ministries. If the information necessary for the committee's deliberations is not included in the budget instructions and requests it prolongs the length of Parliament budget hearings and is detrimental to the orderly review and approval of requests.

As part of the review of the budget circular the staff should review the assumptions and projections the MOF provides for the background social and economic climate of the forthcoming budget period. This early effort to reconcile the probable differences of opinion between experts provides an opportunity to arrive at an agreed sound base for constructing a budget.

Oversight studies of the Budget and other commissions of the Parliament may reveal a need for requesting that alternative strategies be considered for ministry programs that may not be meeting the expectations of the program goals and objectives. The inclusion of that budget information would of great value to both the Council of Ministers and the Parliament in the consideration of the final budget request.

10-3 The Budget Cycle Analytical Process

The receipt of the budget request from the MOF is the beginning of a detailed review of the information and forms submitted. Every ministry and program request may have different and unique information needs but the following information elements should be included in all requests. The process is begun by reviewing:

1. The reason, problem and/or opportunity that caused the program to be created. The definition of the **NEED FOR THE PRODUCT OR SERVICE** is an important part of the analytical process. If there is no apparent and valid reason for the program to be carried out, the work should have very low priority or not even exist.
2. **MISSION STATEMENTS** of the organization or program. How does this program provide for the needs of the country
3. The **Long range GOALS** and the **Annual OBJECTIVES** that this budget addresses.
4. The **PLAN or PLANNING** that is the basis of the budget request. Questions include: How and when will the work be accomplished. Who is responsible for the conduct of the program and what are the desired results.
5. **ORGANIZATIONAL** structure of the program as displayed on charts. Are there any changes in the size, location and management relationships?
6. Description of the **CLIENTELE** or **RECEIPIENTS** of the service
7. **PRODUCTIVITY** or **ACCOMPLISHMENT INDICATORS** are the means for testing the success or failure of a program effort. Is impossible to measure a program's utility if there is not a qualitative and quantifiable method to measure results.
8. **CHANGED OR NEW PROGRAM** requests require an examination for the reasons for the changes.
9. All changes in budgets are the result of a change in **Scope** and /or **Price** of an Activity.

Scope may be defined as a change in the number and / or quality of a services provided. Examples might be an increase in the number of clients, a raise in the

value of benefits to individuals.

Price changes are the result of an increase or decrease in cost of service with no Indication for increased benefits or number of services provided.

Other Information Elements

In addition to the above review components, there are a number of other examinations that are required. They include:

1. A mathematical check of the data to insure that there are no clerical or math errors
2. Analysis of the fiscal management and condition of the program and ministry including trends or varied program directions.
3. Ministry ranking of the program priority within the ministry
4. Analysis of the salaries and wages for comparison to the rest of the government
5. Educational and/or training program within the ministry
6. Capital requirements and requests
7. Portable property acquisition or replacement
8. A review of the management structure and effectiveness in accomplishing their goals and objectives.

Worksheet for Budget Analysis and Start up list

Appendix B provides a worksheet that can be utilized to provide Budget Commission members a summary of the Analysis from the staff examinations.

A Work Task start up list would provide first years requirements for a new staff.

11-1 Revenue Estimation and Forecasts

11-2 The importance of sound and accurate revenue projections cannot be underestimated. The staff should work with the MOF, economists and other informed groups to make the best estimate of the economy, work force employment and any other measure to provide the commissions with reliable expectations of revenue to support the budget. The best method of providing revenue projection is to provide a range of expectations with an attendant detail discussion of the economy and other factors that could influence the collection of reviews.

11-3 The staff should consider developing a cooperative arrangement with the MOF revenue estimators under which they could meet and share their views along with invited private economists to arrive at an agreeable estimate for both the Government and Parliament decision makers.

11-4 After the budget has been approved, the staff should monitor the behavior of the revenue systems on a monthly basis and inform the committee if there are significant changes in the revenue expectations.

12- 1 Procedures Concerning Hearing Sessions

12-2 The staff should prepare program analysis findings for each ministry and all of its programs and provide the commissions with recommendations for action. If there are sufficient reasons for hearings for the ministry, the staff should prepare a brief explanation of the reasons and need and include a list hearing questions for the members. The staff will assist the commissions in the preparation of the letter communicating with the MOF the committee's findings and possible amendments to the budget requests.

12-3 Hearing sessions are essential in any democratic government. There are two types of hearings, those that are concerned with the Budget Commission reviewing the budget with the MOF and or other ministries. The other type of hearing is conducted to provide the public with information and plans and the solicitation of questions and comments for consideration by the commission members. Such sessions are the window to the legislative process that gives the public the chance to express their opinions and desires. In addition to being a valuable means of getting information, it is also one of the mechanisms that the legislative body can use to disseminate information concerning the economic and social conditions and problems in order to raise public awareness of pending problems and opportunities.

12-4 Hearing sessions can also be the tool for providing oversight opportunities for the legislative branch. The legislative commissions hold regular hearing sessions on bills under discussion to get background information. Almost all deliberations conducted by the Budget Commissions evolve around receiving testimonies from ministries, NGOs, the local government and the public in general. One of the ordinary duties of the staff is to determine the issues, bills, social conditions and other problematic aspects that can enhance the committee's understanding of the need for legislations. Hearing sessions have numerous forms to cope with different circumstances:

12-5 Open Public Sessions

Legislators use this kind of hearing sessions in most instances to relay information concerning the Parliament's work, especially in issues of special concern for the legislator himself. Such sessions provide an opportunity to receive negative and positive comments about the work progress in general or about specific issues. Parliament

employees prepare for these sessions in light of the legislators' requests stemming from their own areas of interest. For members of the Budget Commissions, this spells out interest in all aspects of the Afghan Government functions.

12-6 Hearing Sessions on Specific Issues

Such sessions are aimed at informing the public about the specific purpose and content of a specific bill, and receiving viewpoints on the positives and negatives of the bill. The financial unit's employees must present a comprehensive review of the bill and issues related to it that may be raised. The ideal goal is to provide members of the commissions with the necessary information to enable them to answer any question that may be raised.

12-7 Official Hearing Sessions with Ministerial Officials

Such sessions are convened on an official basis and act as open reviews of a ministry's programs, the effectiveness of its management and other issues of concern. This is the most common kind of hearing session when the commission studies a budget request made by a ministry. When preparations for these sessions are made, employees must cover all details related to the ministry's program. This means that in addition to all financial information, they must cover questions pertaining to the use and effectiveness of every program and its position on the ministry's list of priorities as well as on the Government's list of priorities in general. Representatives of the concerned ministry must be able to answer these questions satisfactorily in order to secure the budget commission's support for their request.

12-8 Secret Hearing Sessions

Certain circumstances may necessitate convening secret hearing sessions closed to the public. There are three acceptable reasons for holding closed hearing sessions:

Issues pertaining to the security of the state;

Issues concerning individuals or groups that may be subject to legal liabilities like firing an employee or labor union negotiations;

Contractual sensitive negotiation issues such as construction bids, negotiations of contracts, etc.

Most governments prefer to vote on issues discussed in secret sessions in an open session for the committee after adjourning the secret session. In some cases, however, the voting is made during the secret session, but a record of the voting process is kept in sealed documents for future distribution. The preparation required from the commission's staff for this kind of sessions varies according to need from little preparation-to-preparation of extensive detailed analyses. It is extremely necessary for the staff to show full respect for the confidentiality of the sessions and not to be a source of leaking information before, during or after such sessions.

12-9 Management of Hearing Sessions

Frequently, the staff are asked to plan and make the necessary arrangements for convening hearing sessions. In other cases, they may even supervise hearing sessions. A well planned session is not too different from a wedding party or any other important social gathering in the sense that its success hinges on proper devising of the agenda, provision of facilities, contacting the speakers and other details. Plans for convening hearing sessions must include at least the following elements

:

Confirming the date, venue and topic of the session.

Preparing a list of speakers to give a balanced presentation on the topic.

Informing the speakers and ensuring their presence.

Informing the media (if required or desirable).

Supplying sound systems and recording equipment to facilitate keeping record of the session.

13-1 Auditing Procedures

In all democratic governments the legislative branch has the authority to determine policies, adopt programs and allocate public funds. Moreover, it shoulders the responsibility of ensuring adherence to the intentions and legal objectives for the programs were adopted, as well as preserving those intentions and objectives in all operations conducted by the government.

Legislative bodies devise and utilize auditing mechanisms to monitor and supervise the ministries' policies and the effectiveness of the ministries, departments and programs to ensure their adherence to the legislative decisions. The responsibility of evaluating the budget bill in terms of its consistence with the applicable laws and approved programs is part of the normal process of approving a budget. The responsibility of auditing is a joint one between the commission's members and staff. Both groups have to be aware of the laws and regulations as well as the responsibilities of every ministry. Employees reviewing the budget must notice any issue related to the programs and the budget that may be inconsistent with the role and duties of the ministry. The budget commission should discuss these questions with the ministry during their hearing sessions.

There are three main reasons for the legislative bodies' performance of an auditing role through inspection and investigation. They are:

Financial and Legal Reasons:

One of the primary objectives of the legislative body's interest in the financial activities and operations of any ministry is determining the extent of adherence to the constitutional and legal rules governing the ministry. Efforts aimed at preventing violation of the allocations approved for ministries, transfer of money from one ministry to another, illegitimate acceptance of foreign funds, or any other unauthorized financial transaction have led to improving the procedures concerning legislative auditing.

Management of Programs and Operations:

The second reason for legislative auditing is the public concern for the efficiency of ministries and any doubts raised about the legitimacy of their procedures and operations. Inspection of ministries' practices vis-à-vis hiring, internal and external contracts, and their employees' management skills, and issues pertaining to the possibility of misuse of public funds have forced the legislator to expand the scope of his supervision to include these problems.

Ensuring Programs' Effectiveness and Suitability to Needs:

As the size and scope of public efforts to provide life, health and security for all citizens increased, the need arose for questioning the extent of the use and the effectiveness of every program. The auditing mechanism, which was previously no more than review of the financial and administrative aspects, has become the ideal means for examining the outputs and values of programs.

Every new area of program methods and operational concerns that are subject to auditing requires expansion of the role of the analyst and commission members. Revision of the budget is no longer confined to reviewing the percentage of change in programs' growth, cost and directions, but new questions concerning outside [foreign] beneficiaries and service providers are raised. More importantly, questions are raised about the methods of measuring the value of a program in terms of quality as well as quantity. These questions have become the more important side of the process of reviewing the budget and monitoring it. The two new terms in this process have become the measurement of the "Accountability" and "Effectiveness."

Accountability may be defined as demonstrating that you accomplished your objectives within the allocated resources to the standards of quality and quantity expected. "Your did what you said that you would do"

Effectiveness is the best possible utilization of the allocated resources to accomplish your objectives. "you did the right things, the right way"

13-2 Auditing Planning and Process

The process of developing an auditing review is similar to a large extent to the methods used in analyzing the budget or to conducting an investigation on a public policy. The review must be planned and conducted in a professional manner without politicization of the process. The following are the most important steps in the process for the commission members and the analyst:

Defining policies

Identifying the problem or the change that must be dealt with

Preparing an inventory of the information and sources required for the audit

Identifying other stakeholders like nongovernmental organizations, syndicates and labor unions, chambers of commerce, other governmental units, and all other parties that may become concerned or influenced;

Conducting a review of the laws, bylaws and regulations that may be related to the subject. Special attention must be given to the legal purpose stipulated by the law or the budget or any other legislative expression in order to adopt it as a basis for the review;

Reviewing the mission statement concerning the program, which was devised by the ministry (meaning the ministry's initial purpose), the goals (Long-term), the objectives (Short-term) and the anticipated results from implementing the project

Reviewing the management and administrative practices and the ministry's level of efficiency in reaching their objectives

Reviewing the financial history of the program

Considering the possibility of a need for conducting public hearing sessions on the program

Meeting with the managers in the ministry and/or of the program to discuss the study

Reviewing similar projects in other countries or the private sector or any other groups or organizations undertaking similar activities

Identifying the facts and conclusions

Drafting recommendations for solving the problem if the need may arise

Conducting an auditing review in a professional manner is one of the most important activities undertaken by any legislative body; however, it consumes time and precious resources. Hence, it must be resorted to only when circumstances make it necessary to do so. In several governments, we find that the mere presence of this process and the willingness of the legislative body to resort to it has become a deterrent to illegal management of public projects and waste of resources.

14-1 Debt Management

Public debt management represents a vital part of the budget process. Budget planning, devising and implementation must include auditing and control of all commitments undertaken by the government. For this and many other reasons functions pertaining to debt management must be centralized in the Finance Ministry. Other ministries shouldering responsibilities that may entail the need to borrow for short or long terms must state their needs when they request their budgets. This way the Finance Ministry can take maximum advantage of its analysis of revenues, financing abilities and borrowing limits and from the cash flow and timing of offering bids for loans and securities. Such tactics should lead to lower interest levels and better repayment conditions.

There are at least three important reasons for any government to incur debts and borrowings and to centralize debt management. These reasons are:

14-2 Short-Term Cash Flow Needs:

Normally there is no synchrony between the timings of revenue collection and spending, thereby leading to surpluses or shortages of available monies for daily activities. The Finance Minister must have the authority to invest surplus monies in short-term investments and to take short-term loans for periods up to the fiscal year in order to balance the cash flow. Interest made on short-term investments is recorded in the statement of revenues, while interests paid on short-term loans are recorded as an expenditure article in the budget. The loans section of the budget should include a paragraph authorizing the Finance Minister to undertake the above-mentioned activities within specific borrowing and investment limits.

If it necessary for the Finance Minister to exceed the debt limitations, many legislatures provide a review and enabling device that permits a subcommittee to investigate and authorize a debt increase in excess of the budget limits.

14-3 Short-Term Management of Surpluses and Deficits:

A fiscal year rarely ends with a zero balance. The treasury condition at the end of the fiscal year will lead to either one of two cases: surplus or deficit. Surpluses can be used in several ways, but public fund management favors using them in one of two ways: (1) Establishing a “**Hardship Fund**,” which is an investment account of surplus monies that can be invested and made available for balancing

deficits resulting from any fiscal year. Such accounts are normally limited with a maximum of not more than 5% of the previous year's allocations for the operating budget. This mechanism helps counteract irregularities of the flow of revenues and balance any sudden economic recession. (2) **Long term needs for capital can be met** by using surplus monies. The advantage of using surplus monies this way to minimize the need for long-term borrowing, which entails interest costs. Moreover, using surpluses this way cancels in many cases the use of surplus revenues to start new programs that have no future funding. Extremely large surpluses unused in any of the above-mentioned ways are normally returned to the citizens in the form of reduced tax rates or as credits.

Deficits are usually financed by increasing temporary borrowings during the following fiscal year or by using the monies available in the "Hardship Fund". If the amount of the deficit is relatively small, these arrangements provide the required balanced budget. Moreover, allocation or spending regulations available for the executive branch may be used to reduce the deficit or even cancel it. The executive branch must be extremely cautious and must meet the objectives set by the legislative branch in the process of passing the budget. Most governments have devised mechanisms that require the executive branch to present a proposal for reducing or canceling allocations that the legislative branch has previously approved in order for the legislative branch to review and approve them. Constitutional requirements frequently stipulate that the legislative branch is the Party responsible for determining spending limits for all allocations

14-4 **Long-term Financing of Capital:**

As mentioned in the section concerning surpluses, some needs for long-term capital may be financed this way. But in most cases financing is made through issuing bonds and securities or taking loans payable after long periods. Balance must be struck between the need for investing capitals and the costs of repaying debt principals and interests. Excessive annual debt costs may compete with the needs for annual operating budgets and may even require additional taxes or reduction of the operating allocations.

14.5 Most governments have established a tool known as "**the debt limitation committee**," whose function is measuring the effects of the obligations under present debts and those imposed by the proposed new debts and preserving a balance between the operating budget and the need for capital investment. This committee is usually comprised of representatives of the treasury and/or the budget department in the Finance Ministry, the financial unit in the legislative body, and an authoritative personality from the banking sector. These committees have provided the professional and technical basis for what is officially a political process for setting limits or regulations. The legislative body has the right to ignore the advice of this committee, but in most cases it does not adopt any contradictory measure.

A section in the proposed allocations is allocated for **budgets for repaying annual long-term loans.**

It is usually presented as follows:

	Principal	Interest
First Category	500,000	59,000
Second Category	300,000	37,000
Third Category	400,000	42,000
Etc.		
Total	1,200,000	128,000

Additionally, there must be an article for interests on temporary borrowing that is presented as follows:

Interests on temporary annual borrowing (Example: (39,000))

15-1 Capital Investments

The definition of public capital investment varies from one government to another, but the most commonly accepted definition is “**the purchase of a commodity or an establishment or an installation that can be utilized for more than one year.**” This is a very general definition, especially because it covers every purchase from the purchase of a paper stapler to paving a road. For budget purposes, it is more appropriate to classify capital investment into two categories:

15-2 Short-term investments,

Short Term Investments have a utilization life of ten years or less. Articles like vehicles, computers, office supplies and similar products are all short-term investments. These articles must be considered part of the ordinary operational cost of any ministry. The utilization life of any product can be compared to the length of the loan or security that provided financing for purchasing it. If it turns out to be shorter, it is considered a short-term investment. Short-term investments are also considered operational costs because an item’s value depreciates and will need to be replaced in the future. Replacement requests become an important aspect of budget analysis because it is necessary to have a general governmental policy regarding the anticipated life of a product and the minimum utilization period before replacement become permissible.

15-3 Long-term investments

Long Term Investments are normally investments that last twenty years or longer. Items like buildings, installations, roads, airports and other permanent investments which normally fall outside the operational budget are all long-term investments. This kind of investments requires a source of financing that is often beyond the financing capacity of the annual revenue system. There are many ways of providing the required financial resources for long-term investments:

Long-term securities or loans repaid in annual installments of the principals and Interests

Utilization of revenue surpluses

This is an excellent utilization of surplus monies because it saves interests and removes The incentive to undertake public programs that may not have a continuous financing source.

15-4 Utilization of monies from donor parties

The utilization of donor grants for specific public investment purposes means obtaining the installation or facility without the need to use the limited local revenues.

An important consideration when making decisions concerning capital investments is the long-term commitment to financing operational programs pertaining to the use of the facility or service and the need for maintenance of the investment in future budgets in following years. It is not unusual to find that 20-50% of an investment's original cost is required for annual operation and the care it requires. These possible future costs are a vital part of the decision-making process vis-à-vis capital investment.

Investment analysis includes all ordinary analytical questions as well as strategic analysis of the needs and utilization conditions, and the available alternatives such as purchasing a ready-to-use installation or renting one or renovating an existent facility, and even weighing the idea of abandoning the program altogether because the decision to invest is a long-term commitment in terms of financing as well as in terms of the operational programs.

16-1 Letter of Intentions

The budget law and most other laws passed by the Parliament are statements of the policies, the technical and legal aspects, and the trends proposed to the government and the people.

The vocabulary used in drafting laws is in most instances common expressions as well as legal expressions giving the precise technical meaning of the word but not always successful in conveying to the reader the intended message about the law. Most legislative bodies resort to a mechanism called “**the letter of intentions**” to convey that message. In simple words, the letter of intentions states the purpose of the law, the timing of its implementation, and other issues and facts that were not addressed in the law in detail. In several instances the letter of intentions quotes testimonies made during the hearing sessions and discussions that accompanied passing the law, which have become part of the history of that law. In several countries it is found that the letter of intention is used in legal procedures to settle disputes concerning the purpose and

intention behind issuing the law.

16-2 Employees of the financial unit will be instructed, like in most countries, to devise a letter of intentions to have it discussed, amended and approved by the Budget Commissions. The letter then becomes a stable part of the record of passing the law. The letter is also sent to the concerned governmental institutions to be used by them or for the record.

As the budget commissions drafts a certain law, the staff must keep an updated record of the legal points, issues pertaining to the employment of resources and individuals and/or organizations concerned with the process, and the anticipated results from passing the law. Given that any bill may be subject to numerous amendments as it moves from one committee to another and during discussions at the Parliament, the record must also include the dates of the amendments made on the bill and the purposes of those amendments. The letter of intentions must be written as shortly and accurately as possible, but with enough information that allow recalling the stated intention from the final law.

**ISLAMIC REPUBLIC of AFGHANISTAN
THE PARLIAMENT**

THE FISCAL UNIT

BACKGROUND:

Legislatures are charged with the responsibilities of setting policy and limits for all government programs. They determine the priorities and the expenditure of funds to achieve the public purpose. Most government's executive branches have available large full time staffs that are not only in the Ministry of Finance but also in all of the ministries budget and management organizations. They also have far more time and information to analyze the economic and social conditions that underlie the budget requests for program creation and operations. The legislature is then forced to limit its consideration of the request to a brief period by constitution and or law with only the Government's request and projections.

In recent years this condition has been partially corrected by the creation of the capability within the legislature to conduct its own investigations, information collection and analysis and to provide for an independent policy and expenditure position. Both the legislature and the Government have benefited from this practice. The legislature has an independent appraisal and the government has sharpened its analysis and recommendations.

DISCUSSION:

The legislature's ability to conduct budget and economic analysis is dependent upon access to a year round source of information and analytical capability. Experiments with using outside sources such as university professors, graduate students and independent contractors have proven to be expensive and untimely. The review of government operations is a continuing process that includes the monitoring and observation of the rate of expenditures and the expected level of achievement of programs. That does not happen in a legislature that collects information and develops analysis only during legislative sessions. A full time, dedicated and competent staff has proven to be a good investment and time saver for the commissions that are charged with recommending and approval of government programs.

There are many different ways to staff and manage this review organization. Rather than develop a new discussion, a review of the U.S. Conference of State Legislatures paper on the Legislative Fiscal Offices will provide a complete picture. The Islamic Republic of Afghanistan (IRA) could be best served by the creation of a Legislative Joint Fiscal Office as described below.

The IRA 2 house legislature provides a strong and powerful check and balance in its legislative process. Each house can review the work of the other house and prepare its own position and policies for negotiation with the views of the other house. This presumes that there will be adequate staff support for each of the Budget commissions and the other committees that may have economic and budget related concerns. Many of the draft laws that are presented may not be seen as budget related but most cases there is some connection to the revenues and expenditures and should be reviewed by the fiscal committees.

Fiscal staffs are usually not part of other legislative support organizations and most often are directed and managed by the commissions that they serve. One of the best models is the formation of a Joint Fiscal Committee (JFC) that oversees and directs the staff through the chairman of the committee and the Chief Fiscal Officer.

The Joint Fiscal Committees are usually composed of the Budget commission chairmen, sometimes the Economic Chairmen and 2 or four other commission chairmen. The JFC committee members are appointed by the head of each of the houses for a term of two or more years. Members may be changed to reflect specific legislative interest in examining some troublesome programs or problems. The Budget Commission Chairs usually remain on the committee and also serve as chairman of the JFC. The chairmanship of the committee is usually rotated between the houses on an annual basis to prevent one house having continuing control of the staff.

The staffs of the Joint Fiscal Office (8) are highly trained and competent analysts who are selected as follows:

Chief Legislative Officer or director (1) responsible for the day to day management of the JFO. Reports to JFC Chairman for policy and operations.

Senior Legislative Fiscal Analysts: (3) There should be one each assigned to

each house and one assigned to the central unit for preparing fiscal impact statements, special studies and information to other house commissions.

Junior Legislative Fiscal Analysts (3) One to each house to provide backup

for the senior analyst and to provide additional administrative and logistical

support for the commission. The other junior analyst would provide for the information collection and maintenance of the database of fiscal information.

Both central unit analysts could be detailed to a commission that required extensive analytical assistance.

Econometrician (1) The budget process is often concerned with only the expenditure side of the financial equation. The tracking of the macro economic

conditions, the behavior of tax and revenue systems are equally important. A

trained professional economist-analyst is a necessity to a balanced budget system

Duties of the Joint Fiscal office:

Much of the JFO time is directed to preparing the background analysis and the collection of information that the Budget commissions require. They will also act as staff in the conduct of ongoing and special studies that the commissions undertake to examine programs of the government.

A related task is the development and use of program evaluation and measuring systems to gauge the effectiveness of the budget related programs.

Facilities and equipment:

The central staff office personnel (4) should be located with the other legislative staff functions, such as Finance, Human Resources etc. The dedicated Budget Commission staff could and should be located in close proximity to the Budget Commission facilities

Each position should be equipped with a high-speed computer with Internet access, a desk, and two chairs. A printer should be provided for each house and one for the central unit.

The central unit should also have a large worktable and other preparations equipment and materials.

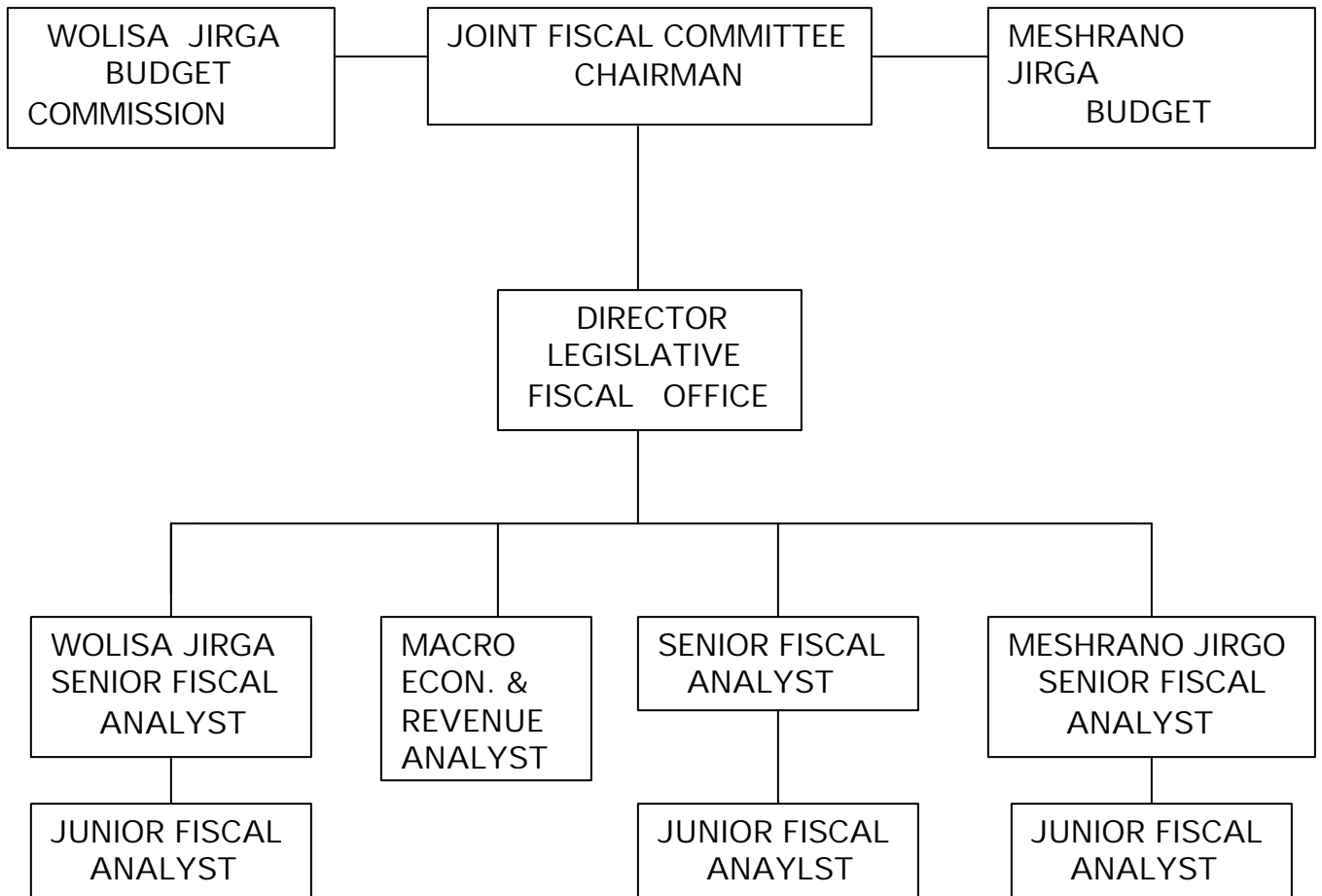
No clerical or administrative positions should be necessary, as each analyst would provide his/her own administrative and clerical support.

Appendix

ISLAMIC REPUBLIC of AFGHSNISTAN

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JOINT FISCAL UNIT ORGANIZATION



Appendix A - 2

JOB DESCRIPTIONS FOR JOINT FISCAL STAFF

JOINT FISCAL OFFICER

Reports to the Joint Fiscal Committee through the Chair of the committee.

Duties:

Technical and supervisory work on a highly specialized level of responsibility in the field of planning the work of the Budget Commissions staff, distributing duties, coordination among them and reviewing their work. These units may be comprised of analysts, interns supporting the analysts, and staff members from other commissions as assigned. The Joint Fiscal Officer may also supervise joint studies with staff from other commissions in the Parliament. The Joint Fiscal Officer also conducts analysis of budget requests, financial reports, and information pertaining to planning and work progress of complex

governmental programs. He/She also conducts extensive interviews with the directors and management and employees of the executive ministries, monitors programs' implementation and submits reports about them, conducts studies on sensitive issues in accordance with special instructions / requests, and performs other duties as assigned. He/She also may manage public hearing sessions and provide information to other Parliament committees in accordance with instructions from the JFC. He/She may be asked to work long hours and during weekends in order to complete specific reports within a short time. He/She submits reports to the Joint Fiscal committee through its chairman.

Required Knowledge, Skills and Abilities

- Extensive knowledge of governmental practices vis-à-vis budgets, financial management and operations
- Extensive knowledge in the areas of accounting, administrative practices, organizational structures and personnel management systems
- Strong analytical skills, especially in regards to project planning and design, work monitoring and product measurement
- Familiarity with the principles and practices concerning work supervision
- Ability to communicate affectively orally and in writing
- Ability to use computerized databases and operating systems effectively
- Ability to manage public hearing sessions and address large groups of people
- Ability to establish and maintain effective work relationships
- Ability to work under pressure and meet short deadlines

Minimum Required Qualifications

- Masters degree in Mathematics, Economics, Business Administration, Governmental [Public] Administration or any other relative field
- Four years professional experience at a high level in analysis or a similar field
- Or the following alternative qualifications: Bachelors degree in any of the above fields plus eight years relative experience

Joint Fiscal Analyst B

Reports to the Joint Fiscal Office and may supervise a Joint Fiscal Analyst A

Duties

High Level analytical inspection of budget requests, reports on financial information, planning and data pertaining to work progress. Conducting extensive interviews with program directors and employees in the governmental sector and monitoring their work. Establishing and following up effective working relations with the employees of other Parliament commissions and ministries. Performing any other duties he may be asked to perform by the Joint Fiscal Officer. Frequently, he/she may be asked to work late or during weekends in order to accomplish work within short deadlines.

Required Knowledge, Skills and Abilities

- Extensive knowledge of governmental practices
- Extensive knowledge of economics, administrative practices, organizational structures and personnel management systems
- Strong analytical skills
- Ability to effectively communicate orally and in writing
- Ability to use computer technology and operating systems
- Ability to establish and maintain positive work relationships
- Ability to work under pressure and meet short deadlines

Minimum Required Qualifications

- Bachelor degree in Mathematics, Economics, Business Administration, Governmental [Public] Administration or any other relative field
- Four years professional experience in analysis or a similar field
- A Masters degree with two years experience can be an alternative qualification.

Joint Fiscal Analyst A

Reports to the Joint Fiscal Office and / or and Joint Fiscal Analyst B

Duties

Analytical inspection of budget requests, reports on financial information, planning and data pertaining to work progress. Conducting extensive interviews with program directors and employees in the governmental sector and monitoring their work. Establishing and following up effective working relations with the employees of other Parliament commissions and ministries. Performing any other duties he may be asked to perform by the Joint Fiscal Officer or Analyst B. Frequently, he/she may be asked to work late or during weekends in order to accomplish work within short deadlines.

Required Knowledge, Skills and Abilities

- Knowledge of governmental practices
- Knowledge of economics, administrative practices, organizational structures and personnel management systems
- Strong analytical skills
- Ability to effectively communicate orally and in writing
- Ability to use computer technology and operating systems
- Ability to establish and maintain positive work relationships
- Ability to work under pressure and meet short deadlines

Minimum Required Qualifications

- Bachelor degree in Mathematics, Economics, Business Administration, Governmental [Public] Administration or any other relative field
- Two years professional experience in analysis or a similar field
- A Masters degree with one years experience can be an alternative qualification.

Macro Economist and Revenue Analyst

Duties:

Reports to the Joint Fiscal Officer

Conducts high level analysis in the areas of National and International Economic activities and trends. Builds and maintains Economic models to examine the impact of the macro and micro economic influences on the Afghan, regional and international economies. Builds a revenues estimating model that provide a multi choice economic climate and revenue yield comparisons. Works with other governmental and private economic forecasters to develop an Afghan economic information base. Develops a working relationship with the MOF Revenue sections and shares data and analysis with the Government's revenue team. Conducts special studies as directed by the Joint Fiscal

Committee and the Joint Fiscal officer

Required Knowledge, Skills and Abilities

- Extensive knowledge of Economic systems
- Extensive knowledge of Econometrics
- Experience in Economic model building
- Extensive knowledge of governmental revenue practices
- Extensive knowledge of economics, administrative revenue practices, organizational structures and personnel management systems
- Strong analytical skills
- Ability to effectively communicate orally and in writing
- Ability to use computer technology and operating systems
- Ability to establish and maintain positive work relationships
- Ability to work under pressure and meet short deadlines

Minimum Required Qualifications

- Masters degree in Mathematics, Economics, Business Administration, Governmental [Public] Administration or any other relative field
- Four years professional experience in analysis or a similar field
- A Bachelors degree with six years experience can be an alternative qualification.

Appendix B

ISLAMIC REPUBLIC OF AFGHANISTAN

THE PARLIAMNET

START UP WORK TASKS FOR BUDGET COMMISSIONS SUPPORT

1. Development and approval of work plan for the fiscal Staff

2. Brief training course for Budget Commissions (BC) members and staff on analytical processes required (Full day for members and staff jointly and ½ additional day for staff) Subject: What information and testimony should be available to the BC and their staff?
3. Meetings with Ministry of Finance (MOF) and other ministries leadership and analytical staff to develop and collect information and processes used by the executive branch.
4. Develop working relationships with other IRA Parliament committees and their staff for the sharing of their expertise and information relative to all ministry programs and budgets.
5. Hands-on review and analysis of budget requests (Presently, the process will be of limited value due to the short time period for legislative review under the constitution and the requirement for continuing use of the MOF services until the Parliament has implemented their own systems
6. Prepare information and questions for BC hearings with MOF and other ministries to provide information not included in the budget requests.
7. Formulate a revised budget plan based on the legislative intent for submission to the Budget Commissions.

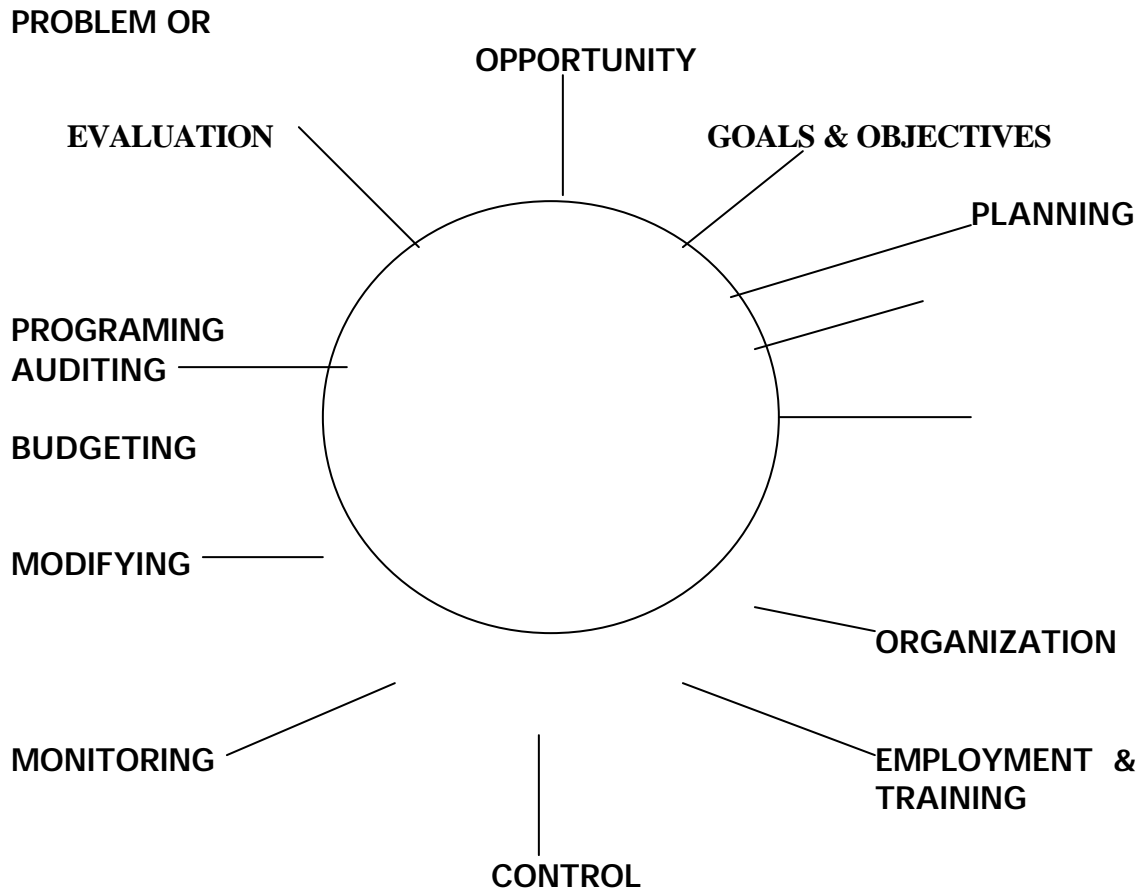
DEVELOPMENT OF LONG RANGE BUDGET PROCESS IMPROVEMENTS REQUIRED UNDER THE PRESENT LIMITING CONSTITUTION AND BUDGET LAW RESPONSIBILITIES FOR AUTHORIZING BUDGETS AND CONDUCTING OVERSIGHT FUNCTIONS.

1. Review the Constitution and Budget law clauses that are unworkable and prevent the Parliament from performing its required responsibilities Prepare and propose necessary law amendments to improve the budget process.

2. Develop an information base that provides the Budget commissions with the necessary data to review and analyze annual budget requests perform oversight functions.
 - A. Set up automatic reporting practices to include the Parliament in present and future Government periodic information distributions. This is a low cost- no cost method to provide members and staff with ongoing data required for budget formulation and oversight activities.
 - B. Develop and implement working relationships between the other Parliament staff, the MOF and the line ministries to maintain ongoing dialog concerning the budget and its execution.
3. Encourage Members and staff to make field visits and observe Government program operations to acquire actual information and knowledge about the programs and their effectiveness.
5. Develop public meetings on a regional basis to provide an opportunity for citizens to comment on the need and usefulness of existing and proposed Government programs.

APPENDIX C

THE ROLE OF THE BUDGET IN THE MANAGEMENT CYCLE



Ronald E. W. Crisman
June 2005

BACKGROUND

Management is the process and the art of GETTING THINGS DONE THROUGH THE EFFECTIVE LEADERSHIP OF PEOPLE. The same basic principals of effective management are used in both the private business and the public sectors (governments). In order to understand the need and the use of budgets in the management process, the entire management cycle should be viewed as a continuing effort

A private or government program will have little or no results if the necessary resources are not committed on a timely basis. As it is impossible to provide for all demands for public services in even the wealthiest of countries, the intelligent and equitable allocation of funds and human resources becomes one of the most important tasks of governmental leaders. Understanding the role of the budget process, as a major management tool will not make budget decisions easier, but it makes them more effective.

THE MANAGEMENT CYCLE

Most if not all governmental programs and policies begin with a need to solve a

Problem or to take advantage of an opportunity to improve the lives of the citizens. Whether it is necessary to reduce crime, educate children or to provide for people who can no longer take care of themselves the same basic steps of program development occur. One of the most critical steps in the entire management process is to thoroughly analyze the problem or opportunity to understand all of the implications of governmental involvement. There may be a strong case for solutions by the individual, the family, the local unit of government or the private business sector. There may even be indications that no action is necessary as the problem may disappear with time. The preliminary review of the problem may require planning, organizational and budgetary analysis to evaluate the potential costs and benefits. One of the values of this early analysis is the opportunity to provide for examination of alternative programs and methods before major commitments of funding and resources are made.

GOALS AND OBJECTIVES

If a program is to be successful and cost effective, there needs to be a specific target or end result definable in measurable terms. A program without goals and objectives is a program without a purpose.

- **Goals** are rarely achieved but are necessary to focus direction and effort toward expected results. Goals are generally long term in nature and may change in both scope and priority.

- They do provide the basis for planning and budgeting for annual management cycles. Examples of goals might be 1. reducing crime to zero percent. 2. Insuring that all children would be given an equal education. 3. All natural resources would be preserved.

OBJECTIVES are specific steps toward the achievement of long-range goals. They usually are short term in time horizon and are the basis for making detailed plans and budgets. Included in the objective statement is a definite expected achievement or result that could be measured as part of the budget process. Achievement of objectives is the purpose of budgetary allocations. Examples of objectives could be 1. Reducing crime by 10 % in the next year. 2. Reducing the drop out rate of students by 12 %, 3. Rebuilding 8 % of deficient highways.

PLANNING, PROGRAMMING AND BUDGETING

After the determination of goals, and objectives is completed, the process of developing detailed plans and budgets begins. It is during this period that potential alternatives are examined for the best choice of cost / benefit results. Each alternative is a complex mixture of tangible resources (people, things and funds) and intangibles (enabling laws and time). The three activities of planning, programming and budgeting are interrelated and insuperable. In many cases there may appear to be a lack of plans, but even no plan is itself a form of plan. At this time any alternatives considered are in competition not only with the other program choices, but also with all other programs the government must conduct. This competition for resources is one of the many considerations that must be included in program analysis.

PLANNING

PLANS may be defined as an outline of the methods of operations, the required resources, the length of time of the program needs, a discussion of the enabling laws necessary and the governmental and private organizations involved in the program activities. An essential component of the plan is a

statement of the product or results that are expected and a mechanism that will measure in qualitative and quantitative terms the success of the program achievements. In far too many plans this element of the planning process is overlooked. In the course of the budget development, both short and long range plans may have to be amended or even abandoned due to changes of priority or serious economic conditions.

Time is one of the most important factors to be considered. As was noted in the goals discussion most programs are multi-year efforts. It is not uncommon to find that most governmental activities are a continuation of prior commitments and ongoing citizen life,

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health and safety needs. One of the determinants of alternative choices is the rate of progress toward accomplishments of the programs goals and objectives.

Planning can become a group effort that involves not only the operating ministries and agencies, the management and administrative staff but also private organizations and even the clients of the service offered. For this reason planning often requires lengthy periods of consultation, hearings and even legal determinations. At risk for some of the participants are the potential loss of funding and even their employment. These adversarial relationships should be recognized in the development of the planning process

PROGRAMMING

Programming is the process of dividing multi-year program requirements into manageable annual segments. It also recognizes that there may be more than one organizational unit required to carry out the work. At this stage of the process organizational units detail their specific objectives and work assignments. The results of the programming activities become the basis for development of the budget requests.

BUDGETING

Budgets are generally viewed as the mechanism to acquire funding for organizational

units and not as part of an overall plan accomplish specific public goals and objectives. Governmental leaders, managers and their budget staffs should develop a keen awareness of the basic mission and specific objectives and

regard the budget not only as a funding allocation system, but also as a management and control mechanism.

Approval of the budget is also the granting of the authority to carry out the mission, the plans and the work of the organization. There are rare instances in which a non-budgeted organization has the authority to act in behalf of the government, but in most cases it is the budget that conveys that power.

REVENUES

The Budget, in addition to the detailed list of the resources and services required, provides for a system of revenues and income to support the activities of the government. It is critical to the budget process to accurately forecast both economic conditions and resulting revenues. Due to the lead-time that is required in the preparation of the budget, revenue forecasts should be updated on a timely basis.

There is a wide variety of opinion among budget officers as to whether the limits of expenditures are set by the available revenues or the desired level of expenditures dictates the level of revenues to be raised. Additional revenue or tax laws may be required if the latter case is followed. Economic and social conditions may also drive these choices.

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BUDGET ELEMENTS

Budgets can be very simple statements of resources (people, Things and funding) or they can be well-crafted detailed implementation plans. The more desirable use of the budget is a budget that has some or most of the following elements:

1. Statement of organizational and program mission
2. Statement of program goals and objectives. Also useful is a description of similar programs in other organizations.
3. A multi-year statement of the prior program resources, employment numbers, source of funds and actual accomplishments of the program by year.
4. A current year and requested next year display of the above data.

4. A projection of future years data as described. This multi-year display provides decision makers and program managers with a better understanding of the conditions and trends of the program. It also provides a continuing review of the plans and operations of the program.

INFORMATION AND ANALYSIS

A Budget analyst's work can be no better than the quality of the information with which they work. Information sources can be the day-to-day activities of the government, economic and social conditions of the state, conditions in other levels of government and potential technology and business practice improvements. Information is very much like fresh fruits and fish—the fresher the better. Competent analysts should be as knowledgeable about the work, conditions and the skills of the people in their assigned programs as the people who work in those ministries. They can only be prepared by having access and studying the information available to those ministries. Intelligent program managers understand this and provide their budget analysts with the requested data. One last word about information collection and analysis: Information should be collected and accessible during the entire year. It is too late to seek the necessary data just before the beginning of the budget review period.

ACCOMPLISHMENT INDICATORS

To understand the results of a program it is necessary to develop methods of measuring the progress toward the accomplishment of the objectives and goals. Some indicators could be negative and still reflect good outcomes. For example an indicator that stated that street crime declined 10 % last year would be good news to the criminal justice system. It would be useful to examine the definition of some other types of measurements.

EFFICIENCY is doing more work with the same resources. This has been a measure in use for many years. An example would be increasing the number of students per teacher

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from 25 children to 30. The extra 5 students represent a 20 % improvement in the staffing ratio. The difficulty with that measure is that it does not speak to the quality of the teacher's efforts. The actual student learning may have decreased due to the less attention afforded each student.

Efficiency indicators reflect **DOING THINGS THE RIGHT WAY.**

EFFECTIVENESS combines the improvements of efficiency but also is concerned with maintaining or improving the quality of the work toward the accomplishment of the objectives.

Effectiveness indicators reflect **DOING THE RIGHT THINGS THE RIGHT WAY**

OPERATING AND CAPITAL BUDGETS

Capital budget preparation should be conducted in close contact with the development of the regular operating budget. There are a number of reasons for this concern.

1. In many cases, the decision to construct a building is only one of many possible choices. Other alternatives could be to lease the facility, privatize the entire program, use an existing structure, develop an entirely operating grant program or even abandon the program.
2. Approval of a construction project almost always creates new operating costs if only to provide for the utilities, trash removal, repairs and maintenance for the new structure.
3. Construction programs are usually multi-year in timing. If the building houses a new program or additional employees in an ongoing activity, there needs to be time to recruit, train and bring the new work force on line. The coordination required to efficiently accomplish this is made difficult with separate budgeting staffs and locations.
4. As the cost of capital improvements is part of the total budget equation, the timing and priority of the program construction projects becomes in direct conflict with other operating program support needs.

ORGANIZATION

After the budget is approved and the ministries are ready to begin their work, one of the first tasks is to plan or replan the organizational structure of

the unit. This is not a major concern for an ongoing program although the new approved budget may require an

adjustment for program direction, expansion or contraction. The budget request and subsequent approval would provide the limits for staffing, span of control and many other factors. The budget becomes the road map for these changes.

EMPLOYMENT & TRAINING

Any changes in the authorized staffing pattern are accomplished within the guidelines of the approved budget. There is as much work to be done in a downsizing requirement as would be in an expansion of the work force. The budget would provide the funding for recruitment and training expenditures in addition to authorizing the type and salary for new or redirected positions. It also becomes the limit for timing of employment and subsequent training.

CONTROL

Management control takes many forms. The budget provides the framework for the expenditure control and the direction of program activities. Releasing or allocating funds on a timely basis may control the rate of expenditure. In some governments this has been set on a monthly time period. Other jurisdictions may do this bi-monthly, quarterly, semi-annual or even an annually. A high degree of control has a cost. If allotments are made on short periods of time (monthly) there is a time and personnel cost for this effort. There is also a potential of reducing the ability of program managers to grow in their administrative skills and it is a misuse of their time.

On the other hand, releasing all of the funds at one time may result in some managers exhausting their accounts before completing the fiscal year. There is also a loss of opportunity for the Finance Ministry to manage the cash flow of funds to pace the economy and the revenue intake. The better method of providing flexibility to both the Finance Ministry and the operating program managers is to release funds on a reasonably long period (three to four months) and at the same time holding a small portion of their funds as a reserve. Some governments permit the reserves to be used at year's end for equipment and training purposes.

Another aspect of the control use of the budget, especially if the budget contains program accomplishment measures and targets, is to track the rate of expenditures against work achieved. After all the purpose of the budget is to provide resources for reaching objectives and there is no better method of holding managers accountable than by measuring both inputs and outcomes.

The Treasury department may use the budget to note any unusually large cash requirements periods that would affect their short and long term borrowing decisions. In

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some states, large debt payments, school aid grants and other single payments are major investment decision points.

MONITORING

IBM has a corporate policy motto that reads, "What gets tested, gets better". The process of monitoring the flow of funds and the output and outcome of the work as was described in the Control discussion has the automatic impact of requiring managers to keep track of the efficiency and the effectiveness of their program responsibilities. The presence of enlightened monitoring and making the necessary corrective decisions insures that programs stay on track and perform as expected. The Budget and the resultant spending plans provide the basis for monitoring

MODIFYING

The process of controlling and monitoring often uncovers problems in the operations of a program. There may be a number of factors that could be the cause for these problems. Changes in economic and social conditions, major unemployment, natural disaster, labor problems, poor quality of raw materials, lack of or erroneous current market information or a dozen other reasons could affect operations. The target objectives in the budget used as the measuring rule for expected work may have been unrealistic or the external conditions may have overwhelmed the project. The manager is then forced to MODIFY the work plan, budget and / or methods used to operate the program. The budget is the beginning point for that effort and may in itself need to be changed.

These types of modifications are not always a negative situation. Technological improvement, new ways of working strategies, better trained

employees and managers all may bring a positive influence to the program. Again the budget could be reduced, the expected output increased or both.

AUDITING

Historically, auditing was the basic method of determining the honesty, truth and the validity of financial information. Two separate but yet interactive changes are occurring that greatly changed the role of auditing. These changes have also increased the demands on the auditor's skills and abilities.

The first change to consider is the growth of computer based accounting systems. The use of computers to make statistically accurate surveys of a system of accounts, to cross verify data and prepare reports of the accounts permits a much greater depth and accuracy of the audit. It also had opened up an entirely new field of auditing, that of computer based fraud. No auditor seemed to have been put out of work by the computer, but many have found the need to upgrade their computer skills. If the budget, the allotment plans

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and projected program work plans are computerized, the audit selection process can be made almost automatic.

The second change for auditing is the extension of the audit process to include not only financial data but also the quality and quantity measurement of the programs outcomes. Obviously the budget design must recognize these possibilities and incorporate them in the process.

EVALUATION

ACCOUNTABILITY IS DEMONSTRATING YOU DID WHAT YOU SAID YOU WOULD DO

The last and usually the most neglected part of the manager's responsibilities is to evaluate the success or failure of the program's work. This is especially true in government where many of the goals are vague or unrelated to the purpose of the unit. The failure to include stated outcomes that are matched with expenditures, the lack of ongoing monitoring and controlling, and the absence of a realistic reporting systems mask the utility and value of the program. The budget is the ideal vehicle to bring together all of the elements

discussed in this study. It is the one place where all of the funds, the ministries, the leadership and members of Parliament, the local governments, the state employees, the clients and recipients, the taxpayers and the citizens are melded together. It is the one place where no group or unit can afford to be absent (well..... maybe the taxpayers).

If goals and objectives, a multi-year format, accomplishment indicators, funds source, list of employees and recipients and the total expenditures are visible, the budget can be a powerful document and tool for better and more effective government. Many countries and individual states have accomplished or are working toward this level of quality. It may appear to be an overwhelming task to build, but it is doable piece by piece.

AN EXAMPLE OF A MULTI-YEAR BUDGET DOCUMENT

EDUCATION MINISTRY (000)

FISCAL YEAR	2001	2002	2003		2004	2005	2006
<u>INDICATORS</u>							
% STUDENTS IN SCHOOL	67	69	73	71	76	79	89
DROPOUT RATE (HIGH SCHOOL)	12	12	10	9	8	7	7
% STUDENTS WITH PASSING		65	66	67	68	75	77
79							
% STUDENTS ENTER UNIVERSITY	14	14	17	20	25	30	
<u>EDUCATION MINISTRY EMPL.</u>	4,500	4,700	5,000	5,600	5,600		
5,600	5,600						
<u>EXPENDITURES</u>							
WAGES & SALARIES	1,600	1,700	1,900	2,500	2,700		
2,700	2,700						
OPERATING EXPENSE	895	897	906	1,200	1,200	1,200	
1,200							

GRANTS AND LOANS	0	0	0	50	500	750
1,200						
CAPITAL CONSTRUCTION	599	402		129	800	900
1,200 1,100						
<u>TOTAL EXPENDITURES</u>	3,094	2,999		2,935	4,550	5,300
5,850 6,200						
<u>SOURCE OF FUNDS</u>						
STATE GENERAL FUND	2,650	2,670		2,145	3,500	3,700
4,500 5,200						
LOCAL GOVERNMENT SHARE	444	329		740	850	850
890 900						
NON GOVERNMENT FUNDS	0	0	50	200 750	460	100
<u>TOTAL FUNDS</u>	3,094	2,999		<u>2,935</u>	4,550	5.300
5,850 6,200						

Crisman
June 2005

National Assembly of Afghanistan

**Manual
On
Parliament/Media
Relations**

By

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State Legislative Leaders Foundation

for

SUNY/CID Afghanistan Parliamentary Assistance Program

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I. The Parliament/Media Relationship In Afghanistan's Democratic Process

The guiding principle of democracy is that those who govern serve with the consent of the people over which they govern. For the governed to give their informed consent, they must have accurate and timely information on the actions, decisions, and performance of those that they elect to serve them. For most people, the primary source of such information is the news media--newspapers, radio, and television. A press that can report to the people, without interference or censorship, on what it sees is therefore an essential element of a stable democracy.

Article 34 of the Afghanistan Constitution recognizes and establishes the principle of a free and uncensored press (translation unofficial):

Article 34. Freedom of expression shall be inviolable.

Every Afghan shall have the right to express thoughts through speech, writing, or illustration or other means, in accordance with the provisions of this constitution.

Every Afghan shall have the right, according to provisions of law, to print or publish... without prior submission to the state authorities.

The members of Afghanistan's National Assembly and its provincial and district parliaments will be the governmental officials closest and most directly answerable to the Afghan people, and the Afghan media will play a pivotal role in providing a linkage between these parliamentarians and their constituents. It will inform the Afghan people on what their representatives in the national, provincial and district parliaments have done, and what they are considering doing. It also will also provide the members of the country's parliamentary bodies with the best vehicle for communicating their thoughts and ideas to the people. Through the two-way information and communication link that it can provide between the people and their parliamentarians, the Afghan media will be a critical component of the glue that will hold the country's democratic system together.

None of this is meant to suggest that the parliament/media relationship in a democracy is always comfortable and cozy. It is not. In fact, members of democratic parliaments and legislatures throughout the world--whether long-established or in the early stages of their development--often express frustration and even irritation at how they feel they personally and the parliament or legislature in which they serve are portrayed and treated by the news media. The most frequently voiced complaints are that journalists and reporters assigned to cover and report on the parliament's activities do not understand how the parliamentary/legislative process works and that the media's emphasis is on negative stories and bad news. These concerns and frustrations are specifically addressed in *Section II*, and some suggestions on how Afghanistan's parliamentarians and parliamentary staff can keep them from becoming damaging to the parliament/media relationship are offered in *Section III*.

Despite their frustrations, few parliamentarians or legislators in any democracy would deny that, for the vast majority of their constituents, the media provides the primary source of information about the activities of their legislature. It makes perfect sense, therefore, that the National Assembly and Afghanistan's provincial and district parliaments as institutions, and their members and staff as individuals, work to develop effective and positive relationships with the journalists and reporters who cover their respective bodies.

The news media can be either an asset or a liability to a democratic parliament in its efforts to represent and respond to the needs and wishes of their people. It goes without saying that the National Assembly and the country's sub-national parliamentary bodies will find it much easier to do good jobs of representing and serving the Afghan people if they do not view journalists and reporters as a nuisance or, worse, an enemy but, rather, as an essential element in Afghanistan's democratic process and the primary vehicle for informing the Afghan public about their parliament and its activities.

It is within the power of the National Assembly--as it is within the power of every democratic parliament and legislature--to determine, by its actions and by its treatment of the Afghan media, whether Afghanistan's parliament/media relationship will be positive and productive or negative and counterproductive.

To develop a positive working relationship with the media, Afghanistan's

parliamentarians must first come to an understanding and acceptance that the media plays an important role in the democratic process. Through such acceptance and through a similar acceptance and understanding by the media of the role, responsibility, and processes of the parliament in a democratic system, the National Assembly and the country's other parliamentary bodies can develop positive working relationships with the Afghan media, relationships in which each will fulfill its respective role and, in so doing, contribute together to the establishment of solid foundation on which to build the future of Afghanistan democracy.

As the country's national parliament, the National Assembly is the guardian of the Afghanistan Constitution's right of a free press and the "peoples' protector" of their democracy. As such, it should take responsibility for initiating a dialogue and exchange of views between the parliament and the country's media with the intent of developing a mutual appreciation and acceptance of their respective roles in the democratic process. Once such a dialogue has been established, the National Assembly as an institution and its members as individuals can utilize it to develop positive working relationships with journalists and reporters. And these relationships can serve as models for members of the country's provincial and district parliaments. But for a parliament-initiated dialogue to be positive and productive, the National Assembly and its members must first understand and accept the basic elements that characterize the parliament/media relationship in a democracy.

II. The Basic Elements Of The Parliament/Media Relationship In A Democracy

A new and developing democracy that, like Afghanistan, has risen from the ashes of a long dark period under authoritarian or totalitarian rule can be expected to have, at best, only limited exposure to a media that operates without government control or censorship and is free to report whatever it sees. The lack of experience with a free press, and with the role it plays and responsibilities it has in the democratic process, can make it difficult for the elected members of a developing democratic parliament and the staff who assist them to adjust to the media's new role and responsibilities. In Afghanistan, as in every new democratic nation, the road to a positive and constructive working relationship between the parliament and the media--a relationship that will allow the country's new democratic system to establish and stabilize itself--must begin with an understanding and acceptance by the members and staff of the National Assembly of the following basic elements that provide the underpinning of the parliament/media relationship in a democracy.

A Free Press Is An Essential Element Of Democracy

- A democratic parliament serves with the consent of the people. That consent is based on the public's approval or disapproval, as expressed through the voting process, of the performance of its elected representatives. For the representative democratic process to work, the people must be able to render informed and knowledgeable judgments about those who represent them in the parliament.
- As indicated in *Section I* in a democratic society, the media is the primary source of information on which the vast majority of people base their judgments about their parliament and those who represent them in it. Through newspaper, television and radio reports, a free press serves as the primary conduit for the development of informed public opinion and for expression of the will and wishes of the people. Reporters and journalists who cover the parliament report to the public about its activities on a daily basis. Editorial writers and commentators offer comments and criticism on which many citizens rely to help them form their opinions. Newspapers, radio and television provide citizens with information about the parliament's

plenary sessions, its committee meetings and hearings, and legislation that is under its review. Media coverage of parliamentary activities also provides parliamentarians with a venue to explain their decisions and actions to the people.

- Without a free press to inform and report to the public on the decisions and activities of their parliament, the people will simply not have enough information to hold their elected representatives accountable for their actions and the whole process of representative democracy will begin to break down.

The Parliament And The Media Need And Depend On Each Other To Make The Democratic Process Work

- Just as the parliament depends on the media to inform the public about its activities to help its members explain their decisions to the people, the media is dependent on the parliament to guarantee and protect its constitutional right to report and write whatever it observes and sees, free from government censorship or interference.

It Is Not The Responsibility Of The Media To Make The Parliament Look Good

- While the parliament and the media have a common commitment to the democratic process, and while the media is dependent on the parliament to guarantee a free press, it is not the responsibility of the media to make the parliament or any of its members look good in the eyes of the public.
- The parliament's responsibility is to make policy decisions that will respond to the needs, interests, and wishes of the citizenry.
- The media's responsibility is to accurately inform the public on the details of those decisions, how they were made, the factors that entered into them, and the positions and statements of individual deputies.

- Because the parliamentary process is slow, contentious, and compromise-prone, news reports on the parliament are likely to often paint a picture that looks messy, inefficient, contentious, and argumentative.

In A New Democracy, The Media Will Almost Always Lack An In-Depth Understanding Of The Parliamentary Process

- Through its coverage of the parliament, the media plays a role not only in informing the public about what the parliament is doing, but also in how the parliamentary process works. But in a nation lacking in historic experience with parliamentary democracy, reporters and journalists assigned to cover the nation's parliament will almost always lack an in-depth understanding of the complexities and intricacies of the parliamentary process. Specifically, they may mistakenly see a lack of neatness in the process and the slow pace at which it often operates as evidence of an ineffective system.
- A thorough understanding and appreciation of the innermost workings of the parliamentary process can be truly realized only through lengthy close observation and, even more, through direct and active participation. It is a wise use of parliamentarian and parliamentary staff member time, therefore, to help reporters and journalists assigned to cover the parliament to develop the fullest possible understanding of how the parliamentary process works.(1)

Bad News Sells Better Than Good News

- In a democracy, the media is a business that operates in a competitive environment. Newspapers compete with other newspapers for readers. Television stations compete with other television stations for viewers. Radio stations compete with other radio stations for listeners. And all of them compete with each other. The bottom-line goal of those who serve in managerial positions within the media is to produce a product that will attract more readers, more viewers, more listeners, increase income and, in so doing, satisfy their owners.

(1) See, *Section 3, # 5.*

- It is no secret that the vast majority of the public will be more attracted to a negative story than to one describing some good deed. Reporters know that what their employers want and expect from them are stories that will have an appeal to the largest reading, viewing, or listening audience. This will, therefore, usually be one of their primary objectives.
- With regard to their coverage of the parliament, most reporters and journalists will operate on the premise that it is expected that the parliament and its individual members will do the job that they were elected to do. So, they will consider it more newsworthy when they feel that parliamentarians have failed to do their job, or when something goes wrong. At least some portion of the news about the parliament will therefore inevitably tend to be negative and unflattering. All of this can be quite frustrating and irritating to parliamentarians and parliamentary staff who may feel that media reports about them and their institution sometimes cast them and it in an unfair and misleading light.
- A well-known political observer in the United States who has experience as both a newspaper columnist and a presidential speechwriter puts a slight twist on the principle that bad news sells better than good news. In pointing out that the party in power or in the majority will almost always feel that the media is biased against it, he points out: “Even when the media try to be ‘fair and impartial,’ they can be expected to annoy rather than please the party in power. That’s because clean government needs a snooping adversary rather than a cheerleader; the Outs need help from the press to hold the Ins accountable”.(2)

The Media’s Schedule And Deadlines Are Different Than Those Of The Parliament

- Because the media is a competitive business, reporters are constantly in competition with other reporters to produce the first story or the best story. And each newspaper, television station, and radio station has deadlines by

(2) William Safire, *New York Times*, January 17, 2005. For additional information on accountability and parliamentary oversight of the government, see *The Oversight Authority And Responsibility Of The National Assembly*, a State Legislative Leaders Foundation report prepared for the SUNY/CID Afghanistan Parliamentary Assistance Program.

which it must go to press or go on the air. If reporters fail to file their stories by these deadlines, the stories will not get printed or broadcast until the following day, by which time they may no longer be newsworthy.

- The schedule under which a parliament operates will seldom coincide with the deadlines of the newspaper, television, and radio reporters who cover it. Reporters who understand the parliamentary process will know that the parliament cannot be expected to change a scheduled meeting time or prematurely terminate a debate to bring a matter to a vote to accommodate a media deadline. But parliamentary leaders often have some control over the timing of plenary sessions, committee meetings, press conferences or other events, and scheduling them to fit media deadlines will increase the likelihood of media coverage.⁽³⁾

Reporters Will Always Want To Talk To The Person Or Persons Closest To A Story They Are Pursuing

- A good journalist or reporter will always want to speak to the individual or individuals closest to a news story on which they are working because they will expect these individuals to have the most knowledge about the matter, and probably the greatest influence on its outcome. A reporter working on a story about an upcoming plenary session will want to speak directly to the Speaker, or to the floor leader. If the story concerns a committee meeting or hearing, the reporter will want to speak to the committee chairman. If it concerns a proposed piece of legislation, interest will focus on the parliamentarian or Minister who is sponsoring the bill, the chairman of the committee that is reviewing it, and perhaps one of the parliament's top leaders who will figure to have some influence on its ultimate fate. If the story concerns an allegation made about a member of the parliament, the reporter will want to speak to that individual directly.
- Attempts to divert reporters away from those whom they consider the primary source or sources for a story on which they are working to individuals not as directly involved with the matter will be met with irritation and hostility, and with suspicion by the reporter that there is something relating to the matter that someone does not want the reporter to know.⁽⁴⁾

⁽³⁾ See, *Section 3*, # 1.

⁽⁴⁾ See, *Section 3*, # 10.

A Reporter's Personal Values And Judgments Are An Inevitable And Necessary Element Of Every News Story

- A good journalist or reporter will always feel a responsibility and obligation to report accurately on what she or he sees and hears. But each reporter is also an individual, and two individuals can, and often do, view the same situation or event in different ways.
- Reporting the news is a craft, not a science. Journalists and reporters cannot report every word of a speech or every question and answer of a press conference. Each reporter must apply personal judgment concerning what is most newsworthy and of most interest and importance to the public. Because of this, separate completely accurate media reports of the same event may offer very different perspectives of what was said or what took place. Every decision about what to report--which facts are important, which portions of a speech to quote, which answers to include from an interview--requires personal value judgment on the part of the journalist or reporter who is reporting on the event.

In A Democracy, The Relationship Between The Parliament And The Media Will Always Be Somewhat Adversarial

- What is really important and matters most in the parliament/media relationship is that the parliament and the media accept and understand the importance of each other's role and responsibilities in the democratic process, and that they work cooperatively and cordially in their respective roles to make that process serve the best interests of the people.

III. Ten Keys To The Establishment Of A Good Parliament/Media Relationship

Accepting the media as an essential participant in the democratic process through an understanding of the basic elements that govern the parliament/media relationship is the first step toward establishment of a good working relationship between a parliament and the media. From there, there are ten specific keys that National Assembly members and staff (and members and staff of provincial and district parliaments) can focus upon to help make that relationship one in which the parliament and the media will work cooperatively and cordially in carrying out their respective roles and responsibilities and, in doing so, serve the best interests of the Afghan people by helping to the construct a solid foundation for the future of Afghan democracy.

1. Do Everything Possible To Encourage Media Coverage Of The National Assembly And Its Activities

- The media is the best vehicle for informing the public about the National Assembly as an institution, about issues under its consideration, and about the personal thoughts and viewpoints of its individual members. To help the media in this job, everything possible should be done to encourage press coverage of the parliament.
- A special seating area should be provided for journalists and reporters in the plenary chamber.
- Both plenary sessions and committee meetings and hearings should be open to the media, and reporters and journalists should be encouraged to provide full coverage of them.
- Television and radio stations should be encouraged to provide live coverage of plenary sessions.
- Committee leaders should provide journalists and reporters with written agendas in advance of meetings and should encourage newspaper reporters to

ask their newspapers to print the committee's meeting and public hearing schedule.

- The surest way of getting desired media coverage of a plenary session, committee meeting or hearing, or an interview with a reporter is to be as accommodating as possible to media deadline requirements, to provide reporters and journalists with as much information as possible about the session, meeting or hearing, and to be as forthcoming as possible in responding to questions and requests for assistance.

2. Show The Media And Its Representatives That They Are Respected By The Parliament

- National Assembly members and staff should let journalists and reporters who cover the parliament know that they are respected, both as professionals in their field and for the essential role that they play in the democratic process.
- Members and staff should emphasize to reporters and journalists an understanding and appreciation that their job, like the job of a parliamentarian or a parliamentary staff member, is not an easy one. Let journalists and reporters know that that, just as parliamentarians and staff feel subjected to many conflicting pressures (from the parliament's leaders, other parliamentarians, the President and government ministers, political party leaders, NGOs, and constituents), it is understood that journalists and reporters are likewise subjected to pressure from their superiors.

3. Make An Effort To Establish A Friendly Relationship With Journalists And Reporters Who Report On The National Assembly

- Members and staff of the National Assembly should make an effort to develop a cordial personal relationship with journalists and reporters assigned to cover the parliament.
- Taking time to stop for an informal conversation with a reporter in the parliamentary building can prove very helpful in building a positive

parliament/media relationship. Even a conversation totally unrelated to the business of the parliament can go a long way toward establishing a cordial working relationship with that reporter. Reporters appreciate such courtesies, and sometimes their appreciation is returned with a favorable report or story.

- It is important to distinguish between friendliness and friendship in parliament/media relationships. Good journalists and reporters will always want to be friendly with members and staff of the parliament because this will make it easier for them to approach these individuals with questions when they need information. But the very different responsibilities and roles of the parliament and the media make it unlikely that close personal friendships can develop between journalists and members or staff of the body on which they are assigned to report.

4. Treat Each Journalist And Reporter As An Individual

- Keep in mind that each journalist or reporter assigned to cover the parliament is an individual with personal feelings, thoughts, ideas, perspectives, and responsibilities.
- A reporter's most important responsibility is to report the truth as he or she sees it but, in carrying out this responsibility, the reporter will be answerable to his or her employer, which will usually be a newspaper or radio or television station that will often have specific issues or matters on which it will want the reporter to focus.
- The more that members and staff can learn about individual journalists and reporters assigned to the parliament, the better they will be able to interact with and respond to those journalists and reporters when subjected to questioning by them.
- The more familiar that members and staff can be about the personal interests and views of the journalists who report on the parliament, the more certain they will be of which one to approach when they hope to receive favorable coverage on a matter or issue of concern.

5. Help Journalists And Reporters To Develop A Better Understanding Of How The Parliament Works

- The parliamentary process is perhaps the most complex and least understood aspect of democracy. As indicated in *Section I*, in a democracy as new as that of Afghanistan, journalists and reporters assigned to report on the parliament cannot be expected to have more than a very superficial understanding of the parliament's complicated, sometimes cumbersome, and often confusing process and procedures. A thorough understanding and appreciation of the innermost workings of the parliamentary process can only be truly realized through lengthy close observation and, even more, through direct and active participation.
- It is in the interest of everyone--the parliament and, the media, and the public--for members and staff to help journalists and reporters assigned to cover the National Assembly to develop a better understanding of how the parliamentary process works. Parliamentarians and parliamentary staff should actively seek out journalists and reporters and explain to them why it was necessary to make a significant change in a piece of proposed legislation, how a compromise was reached that broke a stalemate, or how a member arrived at a decision on a crucial vote.
- As journalists and reporters develop a more in-depth understanding and appreciation of the workings of the parliamentary process, the National Assembly can expect to see a noticeable improvement in the quality and accuracy of their reports.

6. Provide Journalists And Reporters With As Much Information As Possible

- The best way to assure receiving desired media coverage on a plenary session, committee meeting, or personal issue is to provide journalists and reporters with as much information as possible on the session, meeting, or issue.
- Providing a journalist or reporter with as much information and assistance as possible will not mean that he or she will not still carefully review and examine every document and every statement provided that is provided to

them. But journalists and reporters will always appreciate any assistance that will make their job easier by enabling them to avoid having to undertake more time-consuming efforts to acquire desired information. Sometimes, such appreciation will be reflected in the reporter's newspaper, radio or television report.

7. Assume That Everything That Is Said To A Reporter Is “On The Record” And Could Be Publicly Reported

- Good journalists and reporters will almost always have a strong respect for journalistic ethics and can usually be trusted to not quote or attribute a statement to an individual if they are first told that the words are “off the record” or “not for attribution”. But, in a new democracy like Afghanistan that does not have a long tradition of a free press and journalists and reporters may be young and inexperienced, the possibility will always exist that a reporter may not have a full appreciation of journalistic ethics or may simply disregard or ignore a stipulation by a member or staff of the parliament that a comment is “off the record”.
- The surest way to avoid a later embarrassing situation is to assume that anything and everything that is said to, or in the presence of, a member of the media is “on the record” and could appear in print or in a radio or television report..

8. Before Speaking To A Journalist Or Reporter Or Before Meeting With A Group Of Reporters, Think About What Questions Are Likely To Be Asked And How To Most Effectively Respond To Them

- Following the rule that it should be assumed that everything said to a journalist or reporter is “on the record”, it is important that parliamentarians and parliamentary staff always take a moment before speaking to a member of the media to think about what it is they want to say and how they can best say it.

- Before answering any question posed by a journalist or reporter, first quickly think: “How will this response look in tomorrow’s newspaper or sound on the television or radio news?” If there is a less than good feeling about how the statement would read or sound, quickly revise the wording or politely decline to offer any comment until a later time.
- It is particularly important to choose words with special care when responding to questions posed by television or radio reporters because television and radio reports are very brief. What is seen, heard, or reported on a television or radio broadcast will likely be only be a few sentences, often selected by the reporter from a much longer response or statement. Television and radio focus on short “sound bites” that will look and sound interesting and provocative. Their reporters will almost always select for broadcast that portion of a statement that they feel most meets this requirement.
- Before meeting with reporters or journalists, parliamentarians or staff members should think about whether there is a particular audience for whom what will be said is to be directed. There may be a specific individual or group--a parliamentary leader, another member of the parliament, the President, a government Minister or an NGO--for whom a message or statement is intended. If so, an effort should be made to carefully tailor what is said to the reporter to assure that it will be understood by the targeted individual or group.
- When a reporter’s question does not focus on the issue or point that is hoped to be made, try to offer a brief response to the question and then, as tactfully as possible, shift the remainder of the response to the intended message or point. The more quickly and the more gracefully that an interviewee can shift back to the intended message, the greater the likelihood that the message will find its way into the printed or broadcast report.
- Once it is clearly in mind what is going to be said to a journalist or reporter, that and only that is what should be said. The goal should always be to stay strictly on the intended message or point. Efforts by journalists and reporters to divert focus from an intended message should be resisted, with responses to their questions addressing only those specific points that the respondent wants to make.

- In responding to questions from journalists or reporters, always try to project an image of being self-confident and informed, but never act arrogant or condescending toward the questioner.

9. Do Not Overreact To A Critical Or Unfavorable Story

- The immediate reaction upon feeling victimized or treated unfairly by a newspaper story or by a radio or television report is to respond strongly by confronting the responsible journalist or reporter. Parliamentarians and legislators across the globe often do this in an effort to repair damage that they feel has been unfairly inflicted on them. Sometimes such responses are necessary. Oftentimes they do more harm than good.
- Before reacting with a strong response to a negative or critical news story, weigh the long-range benefits and drawbacks of such action. Hasty overreaction to a critical story may only increase personal damage by keeping the story in the public spotlight through additional articles and broadcast reports. Thoughtful reflection may lead to a conclusion that it will be better to say nothing and let the story die.
- If a public response to a negative news story can be avoided, the reporter who wrote or broadcast the story will likely move on to another issue, there will be no follow-up stories, and the matter will disappear from the news much more quickly.

10. Never Deceive Or Intentionally Mislead A Reporter Or Journalist

- Probably the single most important thing that any public official can do to insure against a poor relationship with the media is to avoid any appearance of deceptiveness or of an intent to mislead journalists and reporters.
- Reporters who suspect that a parliamentarian or staff member is deceiving them or withholding information to divert their attention from a matter in which they have expressed an interest will become distrustful and suspicious of both the individual and of the parliament. And it can be expected that the distrust and suspicion will be reflected in the reporter's story.

- There may be times when it seems inappropriate or unwise to either answer a reporter's question or provide the reporter with information that is being sought. On such occasions, never give a misleading or inaccurate response. Rather, simply say: "I am sorry but there is nothing that I can say on that matter at this time".

IV. A Positive Relationship Between The National Assembly And The Media Is An Achievable Goal That Will Strengthen Afghan Democracy

The news media can be a help or a hindrance to a parliament or legislature in its effort to represent its constituents and respond to their wishes and needs. Without question, the National Assembly and the other parliamentary bodies of Afghanistan will find it much easier to do good jobs of serving the Afghan people if they see the country's media not as a hindrance or nuisance, but as an important player in the democratic process.

There can be no denying that there are many obstacles that must be overcome in building a positive and constructive working relationship between a parliament and the media. Relations between parliamentarians and reporters can be friendly, but the very nature of their respective roles and responsibilities can also make them adversarial. Reporters, particularly in a new democracy that is emerging from a long period under authoritarian or totalitarian rule, are unlikely to have a sound in-depth understanding of the complexities and intricacies of the parliamentary process and may view--and report on--what appears to be a slow and sometimes inefficient process as a sign of ineffectiveness. In the competitive environment in which a free press operates, newspapers, television and radio stations want their reporters to produce news stories that will attract the largest possible audience and, clearly, the public finds bad news more interesting than good news. But none of these pose insurmountable obstacles. A positive constructive parliament/media relationship is an achievable goal for the National Assembly.

An understanding and acceptance by the members and staff of the National Assembly (and also by members and staff of the nation's provincial and district parliaments) of the basic elements, outlined in *Section 2*, that characterize the parliament/media relationship in a democracy is the first necessary step to establishment of a constructive parliament/media relationship. With this understanding and acceptance, parliamentarians and parliamentary staff can follow the ten keys, outlined in *Section 3*, to establishment of a positive and productive working relationship with the media.

As the “peoples’ protector” of Afghan democracy and the media’s guarantor of a free press, the National Assembly should assume responsibility for initiating a dialogue and exchange of views between the parliament and the country’s media with the intent of developing a mutual appreciation and acceptance of their respective roles and responsibilities in the democratic process. Once such a dialogue has been established, the National Assembly as an institution and its members as individuals can utilize it to develop positive working relationships with journalists and reporters, relationships that can serve as models for the nation’s provincial and district parliaments.

The establishment of good relationship between the National Assembly and the Afghan media will benefit the parliament as an institution, its individual members and staff, and the country’s provincial and district parliaments. But, most importantly, a positive, productive and mutually respectful relationship between the National Assembly and the media will benefit the Afghan people by providing a solid cornerstone for the foundation of their country’s new democratic system.

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David B. Ogle
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National Assembly of Afghanistan

**Manual
For
National Assembly
Committees**

**By
David B. Ogle**

**State Legislative Leaders Foundation
for
SUNY/CID Afghanistan Parliamentary Assistance Program**

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Foreword

Every parliamentary and legislative body is unique, exercising varying degrees of autonomy and power and operating within a distinct framework of its own special practices and traditions. Despite the uniqueness of each parliament or legislature,⁽¹⁾ six fundamental rules have universal applicability to every democratic parliamentary or legislative body. These six rules are the keys to each country's highly complex parliamentary/legislative process and to making that process work to provide the best possible quality of life for its people.

Rule 1 - A Freely Elected Parliament Or Legislature Is The Engine That Drives A Strong And Stable Democratic System. The history of democracy throughout the world demonstrates and confirms the validity of this rule. While respect for the rule of law must provide the foundation of a democratic system, the engine that drives that system--and the only institution capable of making it strong, stable, and effective--is a legislature or parliament elected by the people.

Modern democracy is most accurately described as *representative democracy* in which parliaments and legislatures represent the citizens of their countries, their provinces, or their regions, making democracy work by serving as agents of the people, responding to their needs and wishes and addressing matters that impact on their daily lives. They enact laws that provide for a free and orderly society. They help to assure that funds from the public treasury are spent wisely and productively. They protect the people against abuse or deprivation of their basic human rights. And, most importantly, they serve as the ultimate restraint on the excessive exercise or abuse of power by a single individual or a small group of individuals and on those who want to undermine or destroy the democratic process.

Rule 2 - To Be Successful And Effective, A Parliament Or Legislature Must Establish A Linkage Between Itself And Those It Represents. Only through establishment of such a connection with its constituents can a parliament or legislature legitimize and institutionalize itself as their representative assembly--as a body that understands their problems, cares about their concerns, and enacts legislation in their interest. It is highly unlikely that any parliament or legislature that fails to establish a linkage with its constituents can have the clear in-depth understanding of those constituents' needs and wishes necessary to enable it to render responsible and effective decisions on their behalf.

The keys to establishment of a solid linkage between a parliament and the people are an open and transparent process for the conduct of parliamentary business, a commitment by the parliament as whole and its members individually to an on-going dialogue with constituents for the exchange of information and views, and an active effort by the parliament to help the public to understand the dynamics and complexities of representative democracy and its decision- and policy-making processes.

Rule 3 - No Two Legislative Systems Are Identical, And Each Parliament Or Legislature Must Tailor Its Organization, Procedures, And Solutions To Problems To The Historic Traditions And Practices And The Political Culture Of Its Country Or Region. Because some particular organizational practice or solution to a problem has proven successful in one parliament is no guarantee that it will meet with similar success in another. This does not mean that legislatures and parliaments cannot learn a great deal from each other. Clearly they can. But no parliamentary or legislative body can simply lift what appears to be another body's attractive and effective practice or solution to a problem, adopt it, and expect that it will work in the same manner. Adaptation to a country's unique culture, practices, and traditions is always a prerequisite to the achievement of success.

Rule 4 - An Effective Parliament Or Legislature Will Almost Always Be Inefficient In The Way Its Conducts Its Business. A democratic parliamentary or legislative body is inherently slow and inefficient in the way it must conduct its business. But if each member of the body represents his or her constituency (whatever that constituency may be) to the fullest extent, the system is working as intended. The parliament or legislature is then representative of and responsive to the people who elected it and is an effective institution of

(1) There is no precise distinction that automatically classifies a representative assembly as a parliament or a legislature. Generally speaking, a designation of parliament suggests some linkage between the representative assembly and the executive while a legislature suggests a clear separation between the two. If representative assemblies were placed on a spectrum based on how and where they fit within the overall governmental framework of their nation or state, the Parliament of the United Kingdom (the Westminster model) would occupy one end of the spectrum as the purest parliamentary system and the United States Congress and that nation's state legislatures (the separation of powers model) would occupy the spectrum's other extreme as the purest legislature system. Virtually every other representative assembly in the world, including the National Assembly of Afghanistan, is a hybrid system that incorporates portions of both models and would fall somewhere between the Westminster and separation of powers models on the spectrum. These mixed systems range from those of the British Commonwealth countries, such as Australia and Canada, which have parliaments very close to the Westminster model, to the systems of many Central and South America nations that have presidential-style governments, but with checks and balances of the legislative and executive branches somewhat less clearly defined and less effectively practiced than in the United States. With a popularly elected President and an independently elected parliament (except for the one-third of the *Meshrano Jirga* membership that is appointed by the President) Afghanistan's system would fall closer to the separation

of powers model than to the Westminster model. While the National Assembly has more characteristics of a separation of powers legislature, it is referred to as a parliament, and that will be the term used in this manual. representative democracy, regardless of how slow or inefficient it may appear to be in achieving the end result.

Rule 5 - Compromise Is The Central Building Block Upon Which A Successful Parliamentary/Legislative Process Is Constructed. The essence of a democratic parliamentary/legislative process is a hard give-and-take and exchange of ideas and views, which have as its goal the development of public policy decisions that will be acceptable to the largest possible majority of affected constituents. Too often, people of all ages in both developing and established democracies fail to distinguish between the *principle of compromise* and the *compromise of principle*. The principle of compromise is the cornerstone of the democratic legislative/parliamentary process. And it is entirely possible (and, in fact, absolutely necessary) for members of a parliament or legislature to operate under that principle without in any way compromising their basic principles or beliefs. One seldom gets everything one wants in a democracy, and it is important that this be understood and accepted by all.

Rule 6 – Committees Are A Parliamentary Or Legislative Body’s Most Important Institutional Mechanism, And The Greater The Strength Of Its Committee System, The Greater Its Capacity To Be An Effective Initiator Of Public Policy. The independent initiation of public policy is not a primary goal or responsibility of every parliamentary or legislative body--particularly those of the pure parliamentary (or Westminster) model. But this is a road down which every democratic parliament or legislature should have at least the capacity to travel should it ever wish to do so. And for a country in the process of trying to construct a stable and sustainable democratic future for its people, a parliament that has the capability to act independently in the initiation of public policy represents the best hope for that future and the surest protection against the concentration of power in the hands of a single unaccountable individual, or small group of individuals.

These six fundamental rules apply in varying degrees to every well-developed parliament or legislature and will provide a firm foundation upon which the National Assembly can construct a stable and sustainable democratic future for Afghanistan. The focus of this manual is on the final rule--how the National Assembly can utilize its most important internal mechanism, its committee system, to achieve its maximum potential as an effective

representative assembly. It is hoped that the manual will assist both current and future leaders and members of the National Assembly in organizing, managing, and operating its committees to effectively fulfill the essential role that they must play for the parliament to be an effective decision-maker on behalf of the people of Afghanistan.

1.

**The Critical Role Of Committees
In An
Effective Parliamentary Process**

A freely chosen representative assembly (a parliament or a legislature) is the centerpiece of any democracy. Parliaments and legislatures represent the citizens of their countries, provinces, or districts and serve as agents of the people. As a parliament develops and, through it, a strong democratic tradition is established, its single most important responsibility is to give legitimacy to the nation's democracy by providing representation for its people. The essential institutional component in the exercise of this responsibility is a process of sound and effective decision-making that the people can feel confident is responsive to their needs and wishes.

But the size and diverse nature of a parliament or legislature--the very features that make it so ideally suited to carry out its basic responsibility to protect the democratic system and make that system responsive to the will and needs of the people it serves--make it impossible for the body to effectively exercise its basic functions, and tend to all of the details that must be addressed, while acting as a body of the whole. A division of labor is necessary. Given this reality, virtually every democratic parliament or legislature in the world finds it necessary to utilize a system of committees in the discharge of its responsibilities.(2)

(2) Just as no two parliaments or legislatures operate in exactly the same way, every committee system is structured and operates in its own way. The specific role of committees in a given parliament or legislature is determined by a number of factors, including the nature of a country's governing system, the strength of its political parties, and the amount of professional staff support that committees have. The diversity of parliamentary and legislative committee systems around the world is examined in *Appendix A*.

1.1 How Committees Help A Parliament Perform Its Responsibilities

Committees help a parliament to perform its role of service to its people and protector of their democracy in four specific ways.

- ***Division of Labor:*** Committees allow a parliament to simultaneously perform several functions. These include the careful review of multiple pieces of proposed legislation, the oversight of government administration and performance, and the examination of special governmental problems.
- ***Specialization:*** Committees enable the members of a parliament to develop a thorough understanding of matters within the jurisdiction of those committees on which they serve. This helps to develop leadership and institutional expertise within the parliament on specific issues. And this, in turn, strengthens the parliament and enables it to more effectively hold ministries and executive agencies accountable for their performance.
- ***Communication:*** A committee's deliberation and review process, usually conducted in a less formal manner than that of a plenary session of the full parliament, allows for an informal discussion and more frank exchange of views among members. This informality creates an environment in which compromises and technical improvements in the details of legislation can be more easily worked out and agreed-to than in a plenary session of the full body.
- ***Linkage with the People:*** Committees provide a linkage between the parliament and the public through public meetings and hearings that are covered by the media and that, in some instances, are open to participation by the citizens. Public hearings, in particular, provide a venue for committee members to gain public input on legislation and to build support for subsequent decisions by the full legislature or parliament. Media coverage of these sessions also contributes to greater public awareness and understanding of issues and of the complex workings of the parliamentary process.

1.2 The Constitutional Status Of Committees In The National Assembly

The Afghanistan Constitution clearly recognizes the importance of committees to the success of the National Assembly. Four articles specifically refer to the role and authority of parliamentary commissions.

Articles 88 and 93 concern permanent committees and their authority (unofficial translations):

Article 88. *Each house of the National Assembly shall form commissions to study issues under discussion in accordance with its internal regulations.(3)*

Article 93. *Any commission of both Houses of the National Assembly can question each of the Ministers about specific topics.*

The person questioned can provide verbal or written response.

Articles 89 and 100 concern the establishment and authority of special committees (translations unofficial):

Article 89. *The Wolesi Jirga has the authority to establish a special commission, on the proposal of one-third of its members, to review and investigate the actions of the government.*

The composition and procedure of this commission shall be specified by the internal regulations of the Wolesi Jirga.

Article 100. *If one house rejects decisions of the other, a joint commission committee comprised of an equal number of members from each house shall be formed to resolve the disagreement.*

The decision of the committee shall enforced after its approval by the President.

If the joint commission cannot solve the disagreement, the defeated resolution shall be considered shall be considered as rejected. In such

(3) English translations of the Afghanistan Constitution use the word “commissions” to refer to parliamentary committees. But the word “committee” is used with regularity by those associated with the National Assembly and will be used in this manual.

situation, the resolution can be approved by the Wolesi Jirga by a two-thirds vote of its members at its next session.

This approval shall be enforceable, without submission to the Meshrano Jirga, after it is signed by the President.

In case the disagreement between the two houses concerns legislation involving financial affairs, and the joint committee is not able to resolve it, the Wolesi Jirga can approve the draft by the majority vote of its members.

This draft shall be enforceable, without submission to the Meshrano Jirga, after it is signed by the President.

2.

**The Seven Elements
Of An
An Effective Committee System**

If, as suggested in the *Foreword*, an effective parliament or legislature is the engine that drives a stable democratic system and a strong committee system is the key to an effective independent parliament or legislature, a logical question that follows is: What can the National Assembly do to construct strong committee system that will enhance its effectiveness by providing itself with the capability to be an independent initiator of public policy for the people of Afghanistan?

A strong and effective parliamentary committee system is comprised of seven key elements:

- Organization
- Leadership
- Public Hearings
- Oversight of the Government
- Relationships With the Media and NGOs
- Staff Support
- Facilities

Each of these elements comprises an essential component of a strong and effective committee system that the National Assembly will need to operate as an effective parliament--a parliament that will be capable of conducting thorough independent examinations of government proposals, a parliament that will be capable of undertaking independent initiatives that will respond directly to the needs and wishes of the Afghan people, and a parliament that will be capable of holding the government and its ministers and ministries accountable for their performance.

2.1 Committee Organization

Notwithstanding that the nature and role of committee systems vary greatly from one legislative body to another and that each body's committee system must be tailored to its special political traditions and legislative culture, there are certain organizational standards and conditions that every legislature or parliament should strive to meet to assure that its committee system will function with maximum effectiveness.

2.1.1 Number of Committees

There is no optimum number of committees with which a parliamentary body should operate. The number of committees is most often determined by the number of members of the full parliament because of the importance of keeping their memberships large enough to be representative of the membership of the full parliamentary chamber, but small enough to allow for a maximum of informal discussion and exchange of views. Because of this, parliaments and legislatures with large memberships will generally have more committees than will those with relatively few members.

One suggestion that has been offered is for the 249-member *Wolesi Jirga* to have seven permanent committees. This would require memberships too large to be conducive to effective discussion and jurisdictions that would likely to be too broad and diverse (see *Sections 2.1.2* and *2.1.3*).

2.1.2 Size and Membership

The number of members who serve on a committee can be a determining factor in its ability to deliberate in an effective manner. To provide a setting and atmosphere conducive to an informal exchange of views and information among members, the size of a committee must be kept within reasonable limits. The French National Assembly is an example of a parliament in which the size of its committees may hinder the effectiveness of its committee system. A number of European parliamentary experts have suggested that the National Assembly's committee system is not as effective as those of a number of other European parliaments. One of the primary reasons for this comparative ineffectiveness is almost certainly that the 577-member National Assembly has only six committees that range in size from 72 to 144 members, making them larger in size than many full parliamentary and

legislative bodies.

In most parliaments and legislatures, the partisan make-up of committee memberships is reflective of the strengths of the various political parties or coalitions in the full body. In multi-party systems, small parties often do not have representation on every committee. In the French National Assembly, a minor party must reach a certain threshold of membership in the parliament before it is permitted representation on any of the Assembly's committees. At the other extreme are the German Bundestag and the Legislative Assembly of El Salvador in which minor parties are granted representation on every committee. In El Salvador, if a party has only one member in the Legislative Assembly, that member sits on each of the Assembly's committees.

Committee memberships of 14 to 22 would allow both houses of the National Assembly to provide a cross section of viewpoints while providing an ideal atmosphere for a full informal exchange of thoughts and opinions. Allowing for one committee assignment per member and seven to nine leaders in each house who would not serve on any committees, this would suggest twelve to fourteen committees in the *Wolesi Jirga* and six or seven in the *Meshrano Jirga*.

2.1.3 Committee Jurisdictions

Members of a parliamentary or legislative body will develop the clearest understanding of the internal operations of the government if committee jurisdictions correspond, as much as possible, to the major functions of the government. More specifically, committee jurisdictions should parallel the jurisdictions of government ministries.

While it seldom proves practical to have the jurisdiction of a parliamentary or legislative committee extend over just a single ministry, it is important that all proposed legislation pertaining to a particular ministry be examined by the same committee. By assuring that the same committee will review all legislation relating to a ministry, a parliament or legislature will enable its members to acquire the most comprehensive and accurate understanding of individual ministry organization and operations and provide itself with the surest protection against the development of confusion or misunderstandings about ministry operations or programs between its committees or among its members.

Given the number of ministries in the Afghan government and the number of committees suggested for the two houses of the National Assembly in *Section 2.1.2*, the jurisdiction of a *Wolesi Jirga* committee should logically extend over an average of two to three ministries (preferably with related areas of responsibility) and those of the *Meshrano Jirga* committees over four to six. The ideal committee arrangement for the National Assembly would be for the *Meshrano Jirga* to have half the number of committees of the *Wolesi Jirga*, with the jurisdictions of each *Meshrano Jirga* committee corresponding to those of two *Wolesi Jirga* committees.

As highly preferable as it is that committee jurisdictions parallel those of the government's ministries, special conditions or circumstances may at times provide sound reason to avoid rigid adherence to this principle. In the current world climate, many parliaments and legislatures are, for example, finding it necessary to have individual committees that focus on matters that concern international trade and national security even though government jurisdictions in these areas may extend over several ministries or departments.

2.1.4 Committee Rules Of Procedure

Sound rules of procedure are every bit as essential to the ultimate effectiveness and success of legislative committees as they are to the success of its plenary sessions. Good rules of procedure will not guarantee a committee's success, but a lack of them is a sure invitation to failure.

Supplementary rules. In most parliaments and legislatures, committee activities are governed by a combination of statutory provisions, standing orders (or rules of procedure) and, in few instances, constitutional provisions. In most bodies, the rules of procedure that govern committee activities are broad in scope and do not address much of the detail of committee procedure. It is important, therefore, that there also be some secondary standardized rules of procedure to which committees can refer for guidance on matters of activity and procedure that are not specifically addressed in the official rules. Almost all of the state legislatures in the United States use *Mason's Manual of Legislative Procedure* as their secondary rules source. This manual was written expressly for use by legislative and parliamentary bodies, particularly those that function in the manner of a separation of powers legislature.

Mason's Manual states that the rules of procedure of the full legislature should also

be the rules of procedure for its committees insofar as those rules are applicable to committee activities. Mason's cautions, however, that rules placing limits on debate or discussion in plenary sessions (such as limits that many parliaments and legislatures place on how many times a member may speak on a particular bill or how long a member may speak when granted the floor) should be relaxed in committees to allow for a maximum of free discussion and exchange of ideas and views because such frank exchanges will contribute to an improvement in the quality of legislation.

According to *Mason's Manual*, common plenary rules, in addition to those limiting debate or speaking time, that can be detrimental to an effective committee process and that should not be applied in committee proceedings include the following:

- Ⓒ A requirement that the presiding officer vacate the chair to speak on motions;
- Ⓒ A motion to close or limit debate;
- Ⓒ A requirement that a motion be seconded;
- Ⓒ A limitation on the number of times that a member may speak on a matter under discussion; and,
- Ⓒ A requirement that a member stand to address fellow members.

In writing its standing orders or rules of procedure, the National Assembly should include a provision that will specify some manual or other source to which its committees can refer for secondary and supplementary guidance when a committee procedural question is not specifically addressed in its official rules of procedure.

Committee meeting times. While it would seem clearly preferable that parliaments and legislatures not allow their committees to meet while they are meeting in plenary session, a number continue to operate without such a flat restriction. They include both chambers of the United States Congress and the French Senate (each with certain restrictions), the British Parliament, the Portuguese Assembly of the Republic, the Irish Parliament, the Thai Senate, the Namibian National Assembly, the Romanian Senate, and the Canadian House of Commons.

The National Assembly may well find that the extremely short time frames

established under Article 97 of the Constitution for its consideration of proposed legislation (one month from the time of receipt of a draft bill in the *Wolesi Jirga* and fifteen days from time of receipt in the *Meshrano Jirga*), will require that it permit committees to meet while its houses are meeting in plenary session.(4)

Open meetings. To assure the development of the all-important linkage between the National Assembly and the Afghan people, journalists, reporters and individual citizens should have just as much right to attend and directly observe the deliberations of parliamentary committees as they do plenary sessions of the *Wolesi Jirga* and *Meshrano Jirga*.

Open committee meetings are not the regular practice in a majority of the world's parliamentary and legislative bodies. While plenary sessions of virtually every democratic parliament and legislature are open to the public, many of these bodies permit or, in some cases require, their committees to meet in closed session. A survey of parliamentary and legislative committee systems conducted several years ago found that committee meetings were always open to the news media and general public in only 21 of the 82 national parliaments and legislatures that it surveyed and that they were almost always closed in 49 of the bodies.(5) A notable exception is the United States in which most state legislatures and the Congress (except for matters relating to national security) permit public and media attendance at all committee sessions.

2.1.5 Committee Records

The details of the deliberations and work of a parliamentary committee are important, both as a source of immediate information and to establish a permanent record documenting a country's democratic decision-making history. One of the top priorities of the National Assembly should be to establish uniform procedures for the maintenance of records of its plenary sessions and the activities of its committees.

(4) Article 97 reads, in part, as follows (unofficial translation):

Proposals for promulgation of law initiated by the government are first submitted to the Wolesi Jirga... The Wolesi Jirga cannot delay the proposal more than one month. The Wolesi Jirga after approving proposed law shall send it to the Meshrano Jirga. The Meshrano Jirga shall decide on the proposed law within fifteen days.

(5) National Democratic Institute For International Affairs (NDI). "Committees In Legislatures: A Division Of Labor". NDI Legislative Research Series paper #2. NDI, 1996.

Minutes of meetings. It will be very important that the National Assembly's committees prepare and maintain minutes of their meetings, and that all written records relating to committee activities be retained to provide both a permanent historical record and a source of reference for the current and future parliaments.

Transcripts of committee hearings. While the National Assembly may not be equipped, at least initially, to prepare verbatim written transcripts of committee hearing testimony, it should at least make audio or videotapes of the testimony. A longer-term goal should be the preparation of printed transcripts as such a documented record will provide the parliament and the Afghan people with a valuable body of permanent information, often on issues that will resurface in the future. As a near-term alternative, individuals who address a committee hearing should be encouraged to submit their remarks in written form for retention in the committee's files.

Recording individual member votes. It is not the practice in many developing parliaments and legislatures to take individual roll call votes on actions in plenary sessions. But it is important in any representative democracy that the people know how their representatives vote on key issues that affect them. Without such information, it is very difficult for citizens to effectively hold their representatives accountable for their decisions and actions.

Most developed legislative bodies have electronic roll call systems to facilitate plenary voting and create a permanent record of individual member votes. Until the National Assembly is able to acquire electronic roll call systems, it may find it difficult to record individual member votes in its plenary sessions. But there should be no impediments to its committees recording individual member votes on the final disposition of each piece of legislation that they consider.

While a record of how their parliamentarians vote in committees will provide a valuable body of information to the Afghan people, the voting records that will be of greatest interest and importance to them will be of votes taken in plenary sessions. The recording of individual member votes on all final votes concerning the disposition of legislation in both plenary sessions and committees should, therefore, be a targeted goal of the National Assembly.

Maintenance of committee records. Creating a permanent historical record of committee meeting minutes, testimony of committee hearing witnesses, and committee votes of individual legislators will only be of value if these records are properly filed and well maintained. Even the most developed and sophisticated parliaments and legislatures seldom have adequate requirements, procedures and facilities for the maintenance of committee records. With their tradition of strong active committees, the legislative bodies of the United States are among the best at creating and maintaining such records. But, even in the United States, only the Congress and a handful of state legislatures maintain permanent comprehensive records of their committee deliberations and decisions.

Almost all developed legislative bodies have a parliamentary library that is used as a depository for its historical records and documents. The National Assembly is in the process of establishing such a library within its Department of Media and Public Relations. In designing the library, both in the old parliamentary building that is being renovated for temporary use and in the new permanent building that is to be constructed, the Secretary General and Director of Media and Public Relations should make sure that sufficient space is provided to allow for the permanent storage of committee records and documents.

2.1.6 Subcommittees

In parliaments and legislatures with active well-organized committee systems, committee chairpersons sometimes find it useful to utilize subcommittees. A subcommittee can be particularly helpful to a committee in reviewing a bill or issue that is especially controversial or complex in nature and that is expected to require an exceptionally large amount of review time.

Subcommittees can prove particularly useful in the examination of the government's proposed budget because they can provide an atmosphere and setting conducive to informal but detailed questioning of ministry officials about minute details of the specific portions of a ministry's budget for which they are responsible.

When a committee establishes a subcommittee or series of subcommittees, the committee chairperson must take responsibility for assuring that they will remain under the control and direction of the full committee. This will require that the chairperson appoint capable and dependable subcommittee chairs, provide all

subcommittees with clearly defined assignments and jurisdictions, set specific deadlines by which they must complete their assignments and report back to the full committee, and be certain that each subcommittee chair understands and accepts that the subcommittee over which he or she presides is an agent of the full committee.

2.2 Committee Leadership

No democratic parliament or legislature can operate as an effective representative assembly and decision-making institution on behalf of its citizens unless it has strong capable leadership. Without sound leadership, it will have virtually no chance of functioning as an effective legislative body. If the parliament or legislature is the engine that drives a country's democratic process, its leaders are the country's engineers.

The leaders of the parliament are, of course, the body's most important leaders, and no aspect of its operation can operate effectively if they are ineffective. But if committees are the key to a legislative body's realization of its fullest potential as an independent policy-making institution, committee chairpersons must rank just a short step behind the leaders of the full body in terms of importance.

While the work of each committee must always be a team effort, committee chairpersons are the individuals most responsible for the success or failure of a committee system. A committee chairperson must assume responsibility for leading and managing the committee. And, each committee's ultimate success or failure will depend, in large part, on the skill, management, and political instincts of this individual and his or her understanding of the relationships between the committee and the other component parts of the parliamentary body.

There are four things required of a chairperson if he or she is to be a successful leader of the committee. The first is to demonstrate and apply certain basic qualities that are required of any effective parliamentary or legislative leader. The second is to employ these qualities in a series of strategic initiatives that will enhance the chairperson's stature and, in so doing, strengthen the committee. The final two involve managing the committee's workload and establishing its priorities, and exercising effective control over its meetings and hearings.

2.2.1 The Qualities Of An Effective Committee Leader

Even though no two legislative bodies are exactly the same, the leaders of every democratic parliament and legislature have the same basic responsibilities and the same ultimate goal of enacting, revising or repealing laws to improve the quality of

the life of their people. There must, therefore, be some qualities that are found to varying degrees in all successful parliamentary and legislative leaders, be they a leader of the full parliament or a chairperson of one of its committees.

While there is no uniformly accepted definition of what constitutes an effective parliamentary leader, certain qualities will almost always be evident to varying degrees in every individual who operates with success in a parliamentary or legislative leadership position. So, it follows that committee chairs who work at personally developing and applying the following qualities will likely be effective leaders of their committees.

Competence. A thorough understanding of the parliamentary and committee process and an ability to make that process work. The establishment of solid working relationships with committee members, other leaders, and key staff. Being aware of the details of all proposed legislation and other matters assigned to the committee, of their current status within the committee, and of their prospects in both the committee and the full legislative body.

Decisiveness and Firmness. Making a decision when one has to be made, and then standing firmly behind it.

Honesty and Dependability. Being honest and forthright with committee members, the parliament's leaders, the media, and the public. Honoring all commitments that have been made and, when there is bad news to be delivered, doing it in a frank and straightforward manner.

Openness. Building strong communication links with the members of the committee, and being aware of what is important to each member, of outside pressures to which they may be subjected, and of how they feel about the most important issues before the legislature. Asking committee members for both their opinions and their advice and encouraging (not discouraging) them to voice their thoughts and opinions.

Fairness. Treating each member of the committee fairly, and according consideration and respect to each member's personal views and priorities.

Flexibility and Adaptability. A recognition that, in an institution as dynamic as a parliament, circumstances and conditions are in a constant state of flux and, because of this, being prepared at all times to reassess a previously agreed-on course of action and quickly adapting to new conditions and adjusting tactics and strategies when circumstances do change.

Tolerance. Understanding and accepting that the members of the committee will not be able to support the committee chairperson one hundred percent of the time, and conveying this understanding to the members.

Patience. Understanding and accepting that the parliamentary process, and often moves slowly and inefficiently, and recognizing those times when the chairperson should be patient and let the process play itself out.

Humility. Accepting responsibility for personal mistakes and avoiding assignment of blame to others. Avoidance of flaunting or abusing the power and authority of the committee chair position.

Stamina. Projection of a high energy level and an intention to lead the committee for however long it may take and in whatever ways may be required in addressing all matters assigned to it.

National Assembly committee chairpersons who apply these qualities will stand an excellent chance of being successful leaders of their committees. And an effective chairperson will greatly heighten the likelihood that the committee will be productive.

2.2.2 Leadership Initiatives

Committee chairpersons can further enhance their leadership effectiveness--and the effectiveness of their committees--by applying the qualities listed in *Section 2.2.1* in undertaking several strategic initiatives, some of which involve internal committee matters and some of which concern external relationships with interested and relevant individuals and organizations.

Forming a leadership team. A chairperson will likely function best by developing a leadership team that includes one or more assistant or deputy chairpersons. Together, this leadership team should get to know each of the committee members, and also any staff who support the committee. The leadership team should become familiar with each member's special strengths and should discuss how their various talents can be most productively utilized to contribute to the success of the committee. The team should be aware of the special interests and needs of each committee member, and of specific bills before the committee in which individual members have a personal interest.

Knowing the details of every piece of legislation assigned to the committee. To be an effective leader of the committee, a chairperson must become thoroughly familiar with the purpose and content of every piece of proposed legislation assigned to the committee. A chairperson should operate on the assumption, whether true or not, that no member of the committee will read the complete text of every bill before the committee. Staff and knowledgeable members of the committee should be tapped to assist in locating problem areas in draft bills, and in making necessary refinements and improvements. A badly drafted bill will reflect poorly on the committee--and most particularly on its chairperson--and can lead to embarrassing and costly delays when it comes before the parliamentary chamber for final consideration. More importantly, this can cast the entire parliament in a bad light and this, in turn, can be damaging to public confidence in the democratic process.

Keeping the leaders of the parliament informed. While the first responsibility of a committee chairperson is to lead the committee, the chair must also recognize, and accept, that the committee is not an isolated entity but an integral part of the parliament. Committee chairpersons are, therefore, also part of the parliament's leadership and, as such, should see it as their responsibility to keep the top leaders of the parliament regularly updated on the activities and progress of their committees.

Development of relationships with key executive officials and NGO leaders. Government ministries, and at times NGOs, can exert a great deal of pressure on a committee, and especially upon its chairperson. To effectively control these pressures, a good chairperson will seize the initiative to establish positive working relationships with the heads and key officials of those ministries whose activities fall within the committee's jurisdiction. A similar effort should be made to cultivate relationships with key individuals in relevant NGOs, with a specific goal of developing an understanding and agreement on how these individuals and their organizations can serve as helpful resources for the committee (the relationship between committees and NGOs is further examined in *Section 2.5*).

Development of a positive working relationship with the media. As the leader of the committee, the chairperson is its public spokesperson and its voice. The media will look to the chairperson for information and comments on the committee's activities. The development of cordial working relationships between committee chairs and the journalists and reporters who cover their committee is of paramount importance to

both the committees and to the full parliament in building a linkage with the people because so much of the public's awareness and knowledge of the parliament's activities comes from media reports. (the relationship between committees and the media is further examined in *Section 2.5*).

Reaching out directly to the people. A vital aspect of a committee chairperson's leadership role should be to reach out directly to the people and establish a dialogue and exchange of ideas and information. The most effective means of doing this is through the public hearing process, which is addressed in *Section 2.3*.

2.2.3 Managing Workloads And Establishing Priorities

As indicated in *Section 2.2.2*, one of the first things a committee chairperson should do upon being appointed is to establish a leadership team. A committee can take its first steps toward maximum effectiveness if its chairperson and his or her leadership team immediately undertake consultation with the parliament's leaders, the other members of the committee, relevant ministry officials, NGO representatives, and the media. The goal of these consultations should be the development of work plans, strategies and action timetables for the committee, and the generation of interest in what are expected to be the committee's areas of primary focus.

Managing workloads. Probably the single most important thing that a committee chairperson can do to assure that the committee handles its workload in a professional and workmanlike manner is to organize an activity schedule that will make use of every bit of available work time. If a committee fails to make efficient and effective use of the early days of a legislative session, its work will be compressed into a shorter and shorter time frame. This can lead to important legislation not being thoroughly considered before being sent on for plenary consideration. This, in turn, will result in logjams and embarrassment to the committee and the parliament, with concomitant damage to the level of public confidence in the effectiveness of the body. It will be particularly important that the National Assembly's committee chairs pay special attention to organizing their committee activity schedules in the most efficient manners possible because the timeframes that Article 97 of the Constitution allows for each house to consider a piece of government-proposed legislation (one month in the *Wolesi Jirga* and fifteen days in the *Meshrano Jirga*) are exceptionally tight.

To assure that all proposed legislation will be accorded full consideration within constitutionally allotted timeframes, committee chairpersons must exercise strong leadership in assuring that less important items do not take up disproportionate amounts of the committee's time, that meetings and hearings are scheduled on a timely basis, and that meetings and hearings are conducted in a professional manner. After a committee chair has addressed all of the above items, the key to successful management of the committee's workload is to set realistic objectives that are achievable within the timeframe available for the conduct of the committee's business. This requires the establishment of priorities.

Establishing Priorities. To a considerable extent, the leadership of the parliament dictates its committees' priorities. A committee's chairperson usually bears a responsibility for shepherding leadership-supported legislation through their committee. But the chairperson also leads the committee and, in this capacity, must be cognizant of the needs and special interests and concerns of its individual members. Effective committee chairs are aware of specific matters under review by the committee in which a member or members may have personal concerns and to which they want the committee to give high priority. They understand that, to secure the necessary majority support on at least some of the items of greatest concern to them, they must be sympathetic and responsive to these personal concerns of their individual members.

2.2.4 Presiding Over Meetings And Hearings

A committee's official decisions are, of course, made during its meetings. And it is in meetings and committee hearings that good leadership qualities, strategic leadership initiatives, sound management of a committee's workload, and establishment of its priorities combine to pay dividends.

Advance preparation. It is a prime responsibility of a committee chairperson (or, in his or her absence, of a designated member of the committee's leadership team) to preside over committee meetings and hearings. No matter how professionally a chairperson may preside over a committee meeting, it is unlikely that the meeting will be successful and productive unless he or she devotes some time to advance preparation.

Prior to each committee meeting, a good committee chair will clearly convey the

purpose of the meeting to the committee's members (and also to the media and public, even if the session is not open to their attendance). If possible, the chairperson should, with input from the leadership team and assistance from available committee staff, prepare a written meeting agenda for distribution to members and reporters in advance of the session. If the purpose of the meeting is to discuss or vote on bills, a good chairperson will make certain to be fully prepared for the meeting by having sufficient knowledge of the details of the proposed legislation and any other matters on the agenda to enable at least a rough estimate of the amount of discussion time likely to be required for each item. In the case of a public hearing in which individual citizens will be permitted to address the committee, the chair should ask the committee to approve a time limit for each speaker and for members' questions of the speaker.

Maintaining control and preserving decorum. An effective committee chairperson will convey a positive impression to the media and public of being in full control of the committee by convening a meeting or hearing at its announced starting time. Delays in announced starting times could give the impression to the media and public and even to the committee members of disorganization and a lack of strong leadership. Once a meeting or hearing begins, the chairperson can continue to convey the appearance of being in control by guiding the proceedings and presiding over deliberations with a firm but fair hand, and keeping the committee's members focused on the issues to be discussed and on decisions that they need to make. A chairperson who can maintain decorum at a meeting or hearing while assuring that each side of each issue is given full airing is likely to be seen by media, the public and the members of the committee as a strong, effective and fair leader.

A good committee chairperson should always bear in mind--and also regularly remind the members of the committee--that when the committee meets in formal session, both it and the parliament as a whole are on public display, and that how the committee and its members comport themselves in a meeting or hearing will impact upon whether the public has a positive or negative feeling about how effectively its needs and concerns are being addressed.

2.3 Committee Hearings

2.3.1 Information Hearings And Public Hearings

Committee hearings are almost always an important activity in a parliament or legislature that has a strong committee system. Committee hearings take two very distinct forms. In information hearings, committees receive selected testimony from invited experts who are called to appear before them to provide information on issues under consideration or from cabinet or ministry officials who appear to explain and defend agency activities and record. In public hearings, committees receive testimony from any interested citizen. Public hearings have two primary purposes: first, to offer interested citizens who may or may not be expert or professionally knowledgeable about the subject matter of a bill an opportunity for direct input into the parliamentary process; and, second, to provide for a dialogue and an exchange of ideas and views between parliamentarians and their constituents on issues that are before the parliament. In the United States, where legislative committees are considered the strongest and most active of any country, both types of hearings are utilized. The Congress relies almost exclusively on information hearings while, in the fifty state legislatures, public hearings are the more common practice.

Information hearings can a highly useful information-gathering tool for any parliament or legislature.⁽⁶⁾ But they have only limited value to the body in terms of helping it to reach out to the public and actively engage it in the parliamentary process. And for a developing parliament like the National Assembly, the ability to reach out to the public is something that is of major importance because of the linkage it helps to establish between the people and their parliament. Public hearings, on the other hand, do enable a parliament or legislature to build a linkage to their people. They enable private citizens to participate in the parliamentary process by speaking directly to the members of a committee concerning matters under its consideration. This helps to establish a linkage between the parliament and the people by generating a feeling among citizens that their elected representatives are hearing their voices and viewpoints, and that the parliament truly is their representative assembly.

(6) Committee information hearings to receive testimony from ministry officials and to question them about their activities as a tool of parliamentary oversight of the government are addressed in *Section 2.4*

2.3.2 Maximizing The Value Of Public Hearings As A Tool To Engage The Public In The Parliamentary Process

If the benefits that members of a parliament derive from committee public hearings were to be measured simply in terms of new information that they acquire with regard to legislation under their consideration, it would be difficult to justify committees devoting much time at all to them. But, as already indicated, the importance and value of committee public hearings involves much more than just the acquisition of information by committee members. For this reason, it is very worthwhile and important for all parliamentary and legislative committees--but particularly those of a developing parliament like the National Assembly--to make extensive use of public hearings as a tool to reach out to the people, to give them a feeling of having a point of access through which they can provide direct input into their representative assembly's decision-making process, and to build and strengthen the all-important linkage between the parliament and the people.

To maximize the benefit of a public hearing in terms of actively engaging as many citizens as possible in the parliamentary process, a committee should make a special effort to publicize the hearing in advance. The news media can serve as a primary vehicle for this. In publicizing the hearing, the committee can request through the media that individuals wishing to testify try to notify the committee by a specified date in advance of the hearing. This will enable the chairperson and any assisting staff to have a general idea of the nature and amount of testimony that can be expected, and to secure a location for the hearing that will comfortably accommodate the anticipated number of attendees.

Once the committee chair has acquired some information on who will be interested in addressing the committee at an upcoming public hearing, an effort can be made to try to convince groups advocating the same position on a bill or issue to agree on one or a few spokespersons, with others who agree not to testify encouraged to submit written statements or information papers. If the chairperson encounters reluctance in relinquishing the right to speak personally, he or she could suggest that each individual who supports a position and agrees to avoid repetition by not speaking on it will be personally recognized at the meeting.

No matter how concerted an effort is made to get individuals who wish to speak at a public hearing to notify the committee in advance, there will invariably be some

citizens who appear at the hearing without prior notification and request to speak. For a committee to deny such individuals the right to be heard would be both unfair (they may not have seen or heard media reports requesting advance notification) and not in the best interests of the committee's and the parliament's effort to reach out to the people. It would certainly be reasonable, however, for the committee chairperson to allow those who did notify the committee in advance to speak first and, when there is a designated spokesperson for several groups, to allow such individuals more time to speak than those who failed to notify the committee in advance.

Public hearings will usually proceed most smoothly if a limit on the time allowed for individual presentations is announced in advance. Speakers who complain that they need additional time to present all of their information can be invited by the chairperson to put the additional information into writing and submit it to the committee.

As in a regular meeting of the committee, the chairperson bears the primary responsibility for assuring that a public hearing will proceed smoothly. The chairperson must maintain decorum among both committee members and the public, assure that time limits on individual presentations are enforced, and prevent speakers from using the hearing for any purpose other than to present information and views on the hearing's announced subject matter.

The National Assembly will be able to derive maximum value from committee public hearings as a tool for engaging as much of the Afghan public as possible in the parliamentary process by "taking the parliament to the people" and scheduling some hearings in various appropriate locations outside of Kabul. Particularly when the subject matter of a hearing has specific applicability to the people of a particular region or province, holding a public hearing in that local area will enable more citizens directly impacted by the matter to participate in the process by expressing their feelings, thoughts, and ideas directly to the committee. In addition to providing committee members with some useful information from those most directly impacted by the matter under review, holding some public hearings outside of Kabul will help to build a perception among the Afghan people that their parliament truly serves them and has a genuine interest in their concerns and views.

2.4 Committee Oversight Of The Government

2.4.1 The Oversight Authority Of National Assembly Committees

Parliamentary oversight of the government is comprised of three components:

- To hold those who exercise executive or governmental power accountable for their decisions and actions;
- To make certain that public funds authorized by the parliament are being spent effectively and in the manner that it intended they be spent; and,
- To assure that laws enacted by the parliament are being properly administered by the government and are accomplishing their intended purposes for the people.

Every democratic legislature and parliament has at least some authority to undertake and conduct oversight of the government or executive. In the case of the National Assembly, the authority is considerable.⁽⁷⁾

A legislative body's committee system is the primary vehicle through which it conducts its oversight activities. Absent a strong effective committee system, it is difficult, if not close to impossible, for a parliament or legislature to conduct effective oversight. Committees should, therefore, be encouraged to see holding government ministers and executive officials accountable for their actions, and making them defend their performance and decisions, as one of its most important responsibilities. This can be done through questioning, monitoring, probing and constantly insisting that these officials provide all requested information to the committee. Article 93 of the Afghanistan Constitution specifically empowers the National Assembly's committees to conduct all of these types of activities (unofficial translation):

Article 93. *Any commission of both Houses of the National Assembly can question each of the Ministers [of the government] about specific topics.*

The person questioned can provide verbal or written response.

(7) For a comprehensive examination of the National Assembly's oversight authority and responsibility, see *The Oversight Authority And Responsibility Of The National Assembly*, a State Legislative Leaders Foundation report prepared for the SUNY/CID Afghanistan Parliamentary Assistance Program.

2.4.2 A Committee's Best Oversight Tool

The authority assigned to National Assembly committees in Article 93 of the Constitution effectively grants them the right to hold government ministers accountable for their performance by calling them to appear before committees in open hearing to explain and defend their administration and performance.⁽⁸⁾ This is the single most valuable oversight tool that any parliamentary committee can have.

When staff are available to assist a committee, they can play a very valuable role in helping it to keep ministries accountable to the parliament. They can develop working relationships with counterpart staff in the ministries, and through such contacts acquire important information that, once passed back to committee members, will expand their knowledge and understanding of the ministry's internal operation and performance.

Where committee staff assistance is either unavailable or in limited quantities, as is likely to be the case in the early stages of the National Assembly's development, a committee's members, and particularly its chairperson, will be required to shoulder the greatest burden for committee oversight activity. When a minister or ministry officials are scheduled to appear before a committee, the chairperson can greatly increase the prospects that the session will prove beneficial by holding a meeting of the committee beforehand for members to discuss what specific information the committee should be looking for from those officials and what questions will need to be asked to assure that it will get that information. Staff that are available to assist the committee can help the members to frame probing questions that will enable the committee to make optimum use of the special opportunity to elicit needed information and make the officials explain factors and thinking that contributed to their decisions and actions.

⁽⁸⁾ Both the British Westminster-style parliament and the United States separation of powers legislatures utilize committees that have oversight as their sole responsibility. In the British Parliament utilizes department select committees whose primary responsibilities are to scrutinize and investigate the activities of a particular government department or ministry. In the United States whose legislative bodies have what are generally accepted as the strongest committee systems in the world, some state legislatures have a special committee that has as its only responsibility to undertake oversight studies and examinations of selected executive programs or departments. As these committees have no responsibility to review proposed legislation, they are able to focus on oversight on a continuing basis. The United States Congress has a Government Accountability Office (GAO) with a staff of more than 3,000 that conducts oversight studies on behalf of the Congress. But all of these state legislative bodies and the Congress expect and, in fact, strongly encourage their other committees to also conduct aggressive oversight of the departments and agencies with their jurisdictions.

2.4.3 The “Power Of The Purse”

It is not uncommon in a democratic system for government ministers or executive officials to balk at initial efforts by the parliament or legislature to exercise oversight over their activities and performance. Government officials even in the most developed democratic systems often see parliamentary or legislative efforts to engage in oversight and accountability activity as burdensome meddling and a nuisance. But in developed democracies, these officials almost always accept this as a part of the parliament’s role and authority and usually comply with requests to meet with and provide information to the parliament and its committees.

In new and developing democracies like Afghanistan where parliamentary oversight authority and practice, even though constitutionally established, are not likely to be fully understood and accepted because they have not been part of historical practice, government officials are often slower and more reluctant to respond to parliamentary oversight efforts. A developing parliament or legislature that finds itself faced with such a situation must establish its oversight and accountability authority. The surest and most effective way for it to do this is by asserting its “power of the purse”--that is, its power to approve the government’s budget. This is the ultimate power of every legislative body, and sooner or later almost every parliament or legislature has to fall back on at least the threat of its use to establish its institutional authority.

Most often, a threat to use the “power of the purse” concerns oversight-related matters. It will be important that the members of the National Assembly develop an appreciation of the value of this power as a weapon, and be prepared to employ it as a threat when they encounter resistance to the exercise of their oversight authority. Usually they will find, as do most parliaments and legislatures when they find it necessary to utilize the threat, that a gentle, but firm, reminder of the National Assembly’s ability and willingness to exercise its budgetary power and authority will prove sufficient to make an uncooperative or reluctant government official responsive to a request for information.

2.4.4 When Parliamentarians Feel Conflict Between Oversight Responsibilities And Party Loyalty

It is not at all uncommon for parliamentarians and legislators to feel a conflict between what they know are their constitutional responsibilities in the oversight area

and a sense of loyalty to the government. Particularly in countries with a parliamentary system patterned after the British Westminster model that have a Prime Minister who is either a member of the parliament or appointed by its majority political party (or by a coalition of parties) some members from the majority party or parties may, understandably, feel that to engage in oversight of the government headed by a someone from their own party would be disloyal to the party and, just as importantly, could result in political punishment by their party. This type of situation will be unlikely to occur in the National Assembly, which is constitutionally structured much more like a United States separation of powers legislature. But with a popular President who was elected with more than fifty percent of the vote in a field of 18 candidates and ministers who may be personal friends of many parliamentarians, it can be expected that a substantial number of National Assembly members will feel hesitant about having the committees on which they serve engage in aggressive oversight over a government that is headed by a President who they supported for election and that includes a number of ministers who may be personal friends.

Parliamentarian feelings of conflicting loyalties between the parliament in which they serve and a President they support or a political party to which they belong rest on an erroneous perception that oversight of the government is an adversarial procedure. In fact, this is rarely how the process works in a parliamentary or legislative body that does it well. Parliamentary oversight is a process that, when performed well, is usually conducted in a cordial manner and produces the best delivery of services to the people. It forces ministers and executive officials to discuss the administration and operation of their ministries and programs in a frank and open manner with members of the parliament and, through such discussion, to think seriously about how they can better perform their responsibilities.

Even when the oversight process uncovers something inappropriate or bad, the government will often benefit by having the matter addressed and corrected before it grows into a much bigger problem that could prove more embarrassing to the government and more damaging to public confidence in the democratic system. National Assembly members who view their constitutional oversight responsibility in this way should feel little hesitation about moving ahead in the performance of their constitutional and legal obligations and should feel no sense of betrayal of the President and government in doing so.

2.4.5 Balancing Oversight With Other Committee Responsibilities

The National Assembly's committees will quickly recognize that, as important as their oversight and accountability responsibility is, their consideration of bills and proposed legislation will have to take precedence at certain points in the parliamentary cycle. It is during periods when the committees will not be heavily engaged in the review of proposed legislation, each piece of which they will be required to examine and send back to their chamber very quickly to enable them to be voted upon within the tight time frames set by Article 97 of the Constitution, that they will be able to best focus on their oversight responsibilities. If the committees make effective use of these periods, the National Assembly will be institutionally strengthened, the government will be more accountable to the parliament, and each member of the National Assembly will acquire an increased understanding of the internal workings of the ministries within the jurisdictions of the committees on which he or she serves. This increased understanding will, in turn, enable committees to make more informed decisions on proposed legislation that pertains to those ministries that fall within their jurisdictions.

2.5 Committee Relationships With The Media And NGOs

A parliamentary committee should never overlook or neglect its obligation and responsibility to reach out to the public on behalf of the parliament--communicating with the people on legislation under its consideration and soliciting their comments and viewpoints on issues. The most effective means of reaching out directly to the citizenry is the public hearing process, examined in *Section 2.3*. But the news media and non governmental organizations (NGOs) offer two important vehicles through which a committee can communicate with substantially larger numbers of constituents than those relatively few who are able and willing to take the time to attend or testify at a public hearing. To fully reach out to the public, a committee, and particularly its chairperson, must make an effort to establish on-going communication linkages with members of the media and with NGO representatives.

2.5.1 The Media

A free press is an essential component of the democratic process. (9) Without a free press to inform and report to the public on the decisions and activities of its representatives, the people do not have enough information to hold their elected representatives accountable for their actions and the whole process of representative democracy starts to break down. Reporters and journalists assigned to cover the parliament's activities will provide an important and valuable connection between the National Assembly and the Afghan people, particularly to those citizens who live some distance from Kabul, or whose circumstances make it difficult for them to personally go to the parliament.

The news media can be either an asset or a liability to a democratic parliament in its effort to represent and respond to the needs and wishes of their people. It goes without saying that any parliament or legislature will be able to do a better job of serving the democratic process and the needs of its people if it does not view journalists and reporters as a nuisance or, worse, the enemy but rather as an essential

(9) For a comprehensive examination of the relationship between the parliament and the media, see *Manual On Parliament/Media Relations*, a State Legislative Leaders Foundation report prepared for the SUNY/CID Afghanistan Parliamentary Assistance Program.

element in the democratic process and the primary means of informing the public about its activities.

It is within the power of the National Assembly (as it is within the power of every parliament and legislature) to determine by its actions and by its treatment of the media whether the parliamentary/media relationship will be positive and productive or negative and counterproductive. Committee members, and particularly committee chairpersons, who see journalists and reporters who cover their committee's activities as a vehicle for informing the Afghan people about the legislation and issues under its consideration will be helping to strengthen the institution.

Committee chairs and committee members in parliamentary and legislative bodies that have established good working relationships with the media say that the following are most important things that a committee can do to help build a positive relationship with journalists and reporters that report on its activities:

- Supply reporters with as much information as possible on committee activities (bill numbers and titles, meeting and hearing times and locations, meeting agendas) in a timely fashion;
- At meetings and hearings, make sure that sufficient copies of all printed materials (both the committee's own documents and materials submitted to it) are made available to reporters;
- Make reporters feel that committee members are available to them to answer their questions and to help them understand the details of bills and issues under consideration by the committee; and,
- Avoid any appearance of secrecy or non-cooperation as this will create distrust of the committee and the parliament as a whole and will create or reinforce skepticism and cynicism that will very likely be reflected in the reporters' reports.

Committee chairs that have not had experience working with a free press often require assistance in developing an appreciation for the fact that the schedule under which the parliament operates will seldom coincide with the deadlines of the journalists and reporters who cover it. In the case of committees, reporters who may likewise lack experience in covering an independent parliament may require

assistance in coming to an understanding that a chairperson cannot be expected to change a scheduled meeting time or prematurely end an important discussion to accommodate media deadlines. But committee chairpersons often have some control over the timing of meetings, press conferences or other events, and a good faith effort to accommodate journalists and reporters by scheduling them to coincide as closely as possible with their deadlines can significantly increase chances for desired, and favorable, coverage.

2.5.2 NGOs

Nongovernmental organizations (NGOs) can be of great assistance to any parliament or legislature, but particularly to one in a developing democratic country that is working hard to establish its legitimacy as the representative assembly of the people. Parliamentarians and legislators should view NGOs not as adversaries but as a prime vehicle to assist them in this effort by helping to build a linkage between them and the people they represent and serve.

Through their focus on specific issues and their advocacy of specific legislation, NGOs represent the views and concerns of particular segments of a country's population that need to be heard by its elected legislators. As such they can provide a parliament's committees with valuable information and expertise. Because of their special knowledge and familiarity with those matters that are of special concern to them, NGO representatives can sometimes point out substantive and technical problems in a piece of proposed legislation that might otherwise be missed by committee members who are less knowledgeable about the details of the issue.

For a committee to derive maximum benefit from NGOs, its chairperson needs to actively seek out the heads and major spokespersons of those NGOs with interests and concerns that fall within the committee's jurisdiction, and establish a positive relationship and dialogue between them and the committee. Having done this, the chairperson then needs to encourage the members of the committee to view NGO representatives who have an interest in legislation before the committee as both useful information resources and as valuable links between the committee and the people.

2.6 Committee Staff

For the National Assembly to steadily build its strength and increase its stature to the point where it will be recognized as an effective policy-making institution for the Afghan people, it must develop its own professional staff. These would be expert assistants who will be responsible only to the parliament and will provide its members with an independent source of information and knowledge on which they can rely to assist them in making sound judgments about legislation and the performance of the government.

If, as many parliamentary and legislative experts contend, an effective committee system is the lifeblood of an institutionally strong legislative body, then it can be legitimately argued that committee staff may be the single most important staffing ingredient in the development of a democratic parliament or legislature and, for the National Assembly, one of the most valuable and worthwhile investments that it can make.

While virtually every democratic parliament and legislature utilize committees to some extent, only a handful of bodies outside of the United States Congress and a number of that country's state legislatures provide anything more than minimal staff assistance for their committees. As would be expected, the stronger and more important that committees tend to be in a parliament's or legislature's process, the more staff they have to assist them. It is rare for a committee in a developing parliament to have more than two or three staff members assigned to it. Often there are none. For the National Assembly to build an effective committee system, it must immediately begin to provide a minimum threshold of staff support for its committees. This should be one of its primary goals.

2.6.1 Basic Committee Staff Requirements

To achieve its maximum potential, a parliamentary committee requires four types of specialized staff assistance:

- administrative and clerical support;
- legal advisers and bill drafters;
- budget and financial advisers; and,
- general researchers

Few legislative bodies outside of North America and Western Europe provide their committees with specialists in each of these areas, but every legislative body should set this as an ultimate goal.

Administrative and clerical support staff. Administrative and clerical support is required to maintain and file a committee's bills and other official documents and records and provide clerical support for the committee chairperson and other members of the committee leadership team. The importance and value of maintaining a permanent body of records documenting a committee's activities was addressed in *Section 2.1*.

Legal advisers and bill drafters. The need for the National Assembly to have its own internal bill-drafting capability cannot be emphasized enough. The internal ability to draft both original legislation and amendments to government-proposed bills is an essential requirement for any parliamentary or legislative body that wants to be able to initiate public policy and programs and not be limited to just ratifying or rejecting proposals of the government. The right to initiate legislation, which is granted to the National Assembly in Article 97 of the Constitution, is the single most important power of the National Assembly (as it is for any parliament or legislature). And to achieve its full potential as the representative assembly of the Afghan people, the National Assembly must be able to provide its committees and its individual members with an in-house capability to draft both original bills and amendments to legislation proposed by the government.

Bill drafting is a special art within the legal profession, and in recruiting bill-drafting staff, the National Assembly should look not just for individuals trained in the law but for lawyers with specific training and experience in the writing of legislation in the specific areas of focus of each of their committees such as finance, transportation, public health, foreign relations, national security, agriculture, minorities and human rights, and the environment. And in today's world of globalization and international terrorism, more and more parliamentary and legislative bodies are finding a critical need for skilled drafters with expertise in two relatively new areas that have not previously been accorded high priority-- international trade regulations and anti-terrorism and security law.

Budget and fiscal advisers. In addition to skilled bill drafters, it is also extremely

important that the National Assembly provide its committees--particularly those that deal with budgetary and taxation matters--with budget and financial experts to assist in conducting independent analysis of both the government's proposed budget and its ongoing administration of that budget after it has been approved.

General researchers. Finally, each National Assembly committee will require professional staff assistance from general researchers with expertise in their individual areas of jurisdictional responsibility.

2.6.2 Supervision Of Committee Staff

The National Assembly will be most likely to achieve the most effective utilization of committee support staff by, at least initially, assigning the staff members to work under the direction of a full-time professional director who can oversee and coordinate their day-to-day activities and assign them to work with specific committees.(10)

There are a number of reasons why a full-time staff director would be preferable to direct assignment of staff to individual committees. A good professional staff director will almost certainly provide better supervision, direction, and training to the committee staff than will committee chairpersons who figure to be less well-trained in research and management techniques and will also have numerous other demands on their time. In many parliaments and legislatures, committee chairs, are not regularly on site on a daily basis, and feel relieved at not having to take responsibility for daily supervision of their committee staff. Even if National Assembly chairpersons are in the parliamentary building every day, they will be extremely busy and will surely appreciate not having to bear the additional burden of having to provide full-time supervision of their committee staff

For these same reasons, a committee staff office supervised by a full-time professional director should result in more productive utilization of staff when the parliament is in recess and committee members are away from Kabul in their provinces and districts. And perhaps most importantly, placement of hiring decisions in the hands of a professional director will serve as a buffer against

(10) Model job descriptions for the positions of Director of the committee support staff, Committee Legal Adviser, Committee Budget and Financial Adviser, and Committee Research Adviser are included in *Appendix B*.

political considerations injecting themselves into the committee staff hiring process. The elimination of such considerations will help to assure that the best-qualified individuals will be selected for committee staff positions.

2.6.3 Professional Training For Committee Staff And Members

Staff training. As the National Assembly builds its committee support staff, the staff members will benefit greatly from skills development workshops conducted by experienced committee staff from other parliaments and legislatures.

Member training. Committee chairpersons and members will only be able to realize the full potential of support staff if they understand how to make the most effective use of that staff's skills and expertise. Particularly because National Assembly chairpersons and members will have no previous experience working with and utilizing professional research staff, seminars or training sessions for both on how to effectively utilize committee staff--possibly scheduled in conjunction with staff workshop training sessions--would prove very helpful. Site visits to other parliaments and legislatures with well-developed committee staff operations would also prove beneficial.

2.6.4 A Student Internship Program to Provide Supplementary Committee Staff Assistance

Universities are almost always enthusiastic about the prospect of providing parliamentary and legislative bodies with information and research assistance, and are often willing to enter into arrangements for establishment of formal student internship programs in which their participating students receive course credit for the work they perform. The National Assembly should explore the possibility of establishing a parliamentary internship program that would offer Afghanistan's university students course credit for working directly with the committees of their national parliament (and perhaps also with some of its individual members and some of its staff offices).

The Afghan government appears to already have a student internship program arrangement with Kabul University, so it is reasonable to assume that the university would be willing, and probably eager, to expand the program to include the parliament. Similar interest is likely to be found in a number of other universities. While student interns lack the education, experience or training to provide the types

of assistance that professional staff can provide, they could still provide valuable supplementary assistance to the National Assembly's committees and their members and staff. An added benefit of parliamentary internship programs is that they can also serve as excellent training grounds for future parliamentary staff.

2.7 Committee Facilities

2.7.1 Why Adequate Committee Facilities Are Important

It might be argued that facilities and space needs is the least important of the key elements in a parliamentary committee system--that even without adequate facilities, the committees of a parliamentary or legislative body can be strong and effective if they are well-organized well-led and well-staffed, invite public input, and are committed to aggressive oversight of the government. But it is virtually impossible for the committees of any parliament or legislature to operate with full effectiveness in any of these areas if they are not provided with adequate facilities in which to conduct their business. Just as important is the impression that is conveyed to a public that sees its parliament's committees--which are supposed to be its workhorses--operating in inadequate facilities. A committee meeting or hearing held in a makeshift room clearly not intended for such purpose or a chairperson forced to meet with a citizen or a reporter in a hallway because he or she has no private office can hardly inspire public confidence in that parliament as an institution capable of crafting alternative approaches to government proposals found wanting, or of holding ministers and other government officials accountable for their actions.

2.7.2 Basic Committee Facility Requirements

Parliamentary committees have three basic three workspace requirements:

- Meeting rooms that allow committees to meet in relative comfort and include adequate accommodations for the media and public;
- Personal offices for committee chairpersons and, if possible, at least shared offices for the other members of the chairpersons' leadership teams; and,
- Storage space for the committee's files and records.

It is rare that even a highly developed parliament or legislature fully addresses each of these needs. Hardly any parliamentary or legislative building in the world, other than a very few that have recently been designed and constructed, has adequate facilities for committees. In that vast majority of parliaments and legislatures that do not provide their committees with adequate facilities, committees are forced to share

cramped and uncomfortable rooms that often provide no accommodations for reporters or the public. Such arrangements place undesirable restrictions on how much time committees can meet and provide legislatures and parliaments who want to close their committee meetings to media and public attendance with easy justification for doing so. It goes without saying that chairpersons will be much better able to carry out their responsibilities if they are provided with personal office space. And without adequate space for the storage of its committees' records, a parliamentary body will find it very difficult to build a permanent body of information that could prove to be of great value to future parliaments and provide a permanent record of documentation of the operation of the parliamentary process.

It is not uncommon for committees to be accorded relatively low priority when a parliamentary or legislative body addresses its facility and space requirements. Leaders of parliaments and legislatures that are addressing facility inadequacies most often tend to assign highest priority to plenary chambers and offices for leaders and political parties and need to be reminded, and sometimes convinced, of the importance of including committee space needs in their list of highest priorities.

The renovation design of the old parliament building that will be used by the National Assembly as temporary quarters until its new permanent building is completed addresses some, but not all, of the basic facility requirements for committees. One apparent oversight involves a failure to provide adequate seating areas in committee meeting rooms for the media and public--something that will be of major importance if, as suggested, all or almost all committee meetings are open to media and public attendance. Those who will be involved in the design of the new permanent parliamentary building will have an opportunity to address this and all other of the basic workspace requirements of the National Assembly's committees. It will be a one-time opportunity that should not be overlooked or passed over.

3.

**An Effective Committee System:
The National Assembly's
Most Important
Institutional Mechanism**

While the democratic process must be rooted in a respect for the rule of law, a freely elected parliament or legislature is the engine that drives a stable democratic system. It provides representation for the people, enacts laws that provide for a free and orderly society, helps to assure that funds from the public treasury are spent wisely and productively, protects against the deprivation of basic human rights, and is the ultimate restraint on both the concentration of power in the hands of one or a few unaccountable individuals and on those forces that have their goal the destruction of the democratic system.

If parliaments and legislatures are the engines that drive the democratic process, a strong committee system is the institutional mechanism that enables a parliamentary or legislative body to provide the people it serves with the fullest representation and protection by giving it the capability to undertake independent initiatives that will respond directly to their needs and wishes, rather than being a body that only ratifies or rejects proposals from the executive or government. In an age in which globalization has become a fact of life with which every nation must contend and in where no nation is immune from the threat of international terrorism, the need for democratic legislative bodies capable of acting independently when they find it necessary to do so is probably greater than at any previous time in history.

A committee system allows a parliamentary body to simultaneously undertake in-depth reviews of multiple issues. It enables parliamentarians and legislators and the parliaments and legislatures in which they serve to acquire in-depth understandings, both individually and institutionally, of issues, problems and legislation under their review and consideration. A committee's generally informal deliberative process allows its members to engage in more informal discussion and a more frank exchange of views than in the more formal plenary sessions of the full parliament. And committee public hearings and meetings that are open to media and public attendance help to provide a vital link between a parliament and the people that it represents and serves.

A strong and effective parliamentary committee system is comprised of seven key elements: sound organization; good leadership; public hearings; oversight of the government; positive relationships with the media and NGOs; professional and administrative staff support; and adequate meeting and office facilities. Because each parliamentary and legislative system is unique in its traditions and practices and

because legislative bodies are in various stages of development, some of these elements will always take on more importance than others for a given parliament or legislature. But each is an essential and vital component of a strong and effective committee system, and failure to address any one of the seven will invariably weaken some or all of the others. Good leadership, for example, cannot fully compensate for poor organization (memberships that are too large or jurisdictions that do not parallel the jurisdictions of government ministries). Public hearings will not have the impact they are capable of having if committees have poor relationships with the media and NGOs. Parliamentary oversight of the government will never be as effective as it could be if committees have weak leadership or are not provided with adequate professional staff support. And no matter how well organized, well led and well-staffed committees are, they can never achieve maximum strength and effectiveness if they are forced to operate in inadequate facilities.

Like most of the nations across the globe that are in the early stages of democratic development, Afghanistan's new democratic system has emerged from a history of autocratic and totalitarian rule featured by strong, often all-powerful, individuals and, when it existed at all, a weak and ineffective parliament. It is in their new representative parliament and their elected President that the people of Afghanistan are placing their hopes and dreams for the construction of a solid foundation that will assure a stable and sustainable democratic future for them and future generations--a democratic system that will protect against any possibility of a return to the country's past experience of excessive concentration of power in the hands of a single individual or small group of individuals. The National Assembly will stand as a bulwark against assaults from those who want to cripple or destroy Afghanistan's democratic process. And the construction of a strong committee system is the single most important thing that it can do to provide itself with the capability to respond effectively to these hopes and dreams.

A freely elected National Assembly will define Afghanistan as a democracy. A strong well-organized committee system will provide the National Assembly with the capability to operate as an effective independent institution of service to the Afghan people, an institution that will serve as the guarantor and protector of their democratic system.

Appendix A

The Diversity Of Parliamentary And Legislative Committee Systems

- **Strong v. Weak Committee Systems**
- **Bicameral Joint Committees**
- **Non Legislation Committees**
- **Committee Chairpersons**
- **Recent Streamlining Of United States
Legislative Committee Systems**

The Diversity Of Parliamentary And Legislative Committee Systems

Several years ago the National Democratic Institute (NDI) surveyed the variety of legislative and parliamentary systems throughout the world. Some of the information in the NDI report was subsequently updated by the United Nations Development Program (UNDP).(1) Not surprisingly, both the NDI survey and the UNDP update showed that, just as no two parliamentary or legislative bodies operate in the same way, every parliament and legislature designs its committee system in its own unique manner. As the UNDP report states:

The possible roles of the committees vary from country to country, depending upon the governing system, strength and organization of political parties, available resources and other political factors. Roles might include initiating and amending bills, administrative review, investigations and budgetary review. Committees may also be the locale where inter-party negotiations occur.(2)

Strong v. Weak Committee Systems. Generally, the importance of committees in a legislature or parliament is in inverse proportion to the strength of that body's political parties. That is, the stronger and more organized a legislative body's political parties, the less significant the role of committees. In party-dominated parliamentary systems such as the British House of Commons, committees may play a relatively minor role (although, even in the House of Commons and similarly structured parliamentary bodies, the use and importance of committees, particularly as tools for oversight of the government, has been increasing in recent years). In American-style separation of powers legislatures where legislative bodies are expected to be strong initiators of public policy and where party loyalty is considered less important than in British-style parliamentary systems, committees play a very large--and, very often, decisive--role in the deliberative process.

The United States Congress and the fifty state legislatures of the United States make, arguably, the most extensive use of permanent standing committees of any legislative bodies in the world. Staffed by expert professionals, these committees review every piece of legislation that comes before their bodies. The Congress and many of the state legislatures also often make use of subcommittees. In the Congress

(1) National Democratic Institute For International Affairs (NDI). "Committees In Legislatures: A Division Of Labor". NDI Legislative Research Series paper #2. NDI, 1996, and United Nations Development Program (UNDP). "Legislative Committee Systems". Unpublished resource document, UNDP. (<http://www.undp.org/governance/parldev/docs/legiscomm.doc>), 2005.

(2) UNDP. (<http://www.undp.org/governance/parldev/docs/legiscomm.doc>), 2005.

and most American state legislative bodies, a committee (and sometimes a subcommittee) may rewrite a bill or even kill it by voting not to send it to the floor of the full legislature for consideration.

By contrast, in the United Kingdom, some (but not all) draft bills are reviewed by *ad hoc* committees that are created for the express purpose of reviewing a specific bill or group of bills and pass out of existence upon completion of their assignment. British *ad hoc* committees are usually restricted with regard to the changes that they are allowed to make in the bills' contents. In a pure parliamentary system (of the British, or Westminster, model), such procedural restrictions are common and, along with traditions of strong party solidarity, most often leave committees with little role to play in the development of legislation. In such an environment, investigative or executive oversight and accountability responsibilities often become the most significant committee activity. The Canadian House of Commons is somewhat of an exception among Westminster-style parliaments. It has an extensive system of committees whose powers were increased a number of years ago. While more influential than committees in most other Westminster-style parliaments, the power of Canadian parliamentary committees is still very limited compared to their counterpart committees in the Congress and state legislatures of the United States.

Among the developed parliaments and legislatures of Western Europe, almost all of which include characteristics generally associated with both Westminster-style parliaments and separation-of-powers legislatures, committees in the German Bundestag have considerably more power and influence than those in the British House of Commons. Bundestag committees are quite active in reviewing and amending proposed legislation. However, Bundestag committees are not permitted to kill bills and are considerably less influential than the congressional and state legislative committees of the United States. Committees in the French National Assembly are less influential than those of the Bundestag, with French committees permitted to make only "technical modifications" to government bills required to send every bill referred to them back to the floor of their parliamentary chamber for a final vote within a specified period of time.

Bicameral Joint Committees. In bi-cameral (two-chamber) legislative bodies, committees that examine legislation are almost always single-chamber entities. Notable exceptions are the Connecticut and Maine state legislatures in the United States, both of which operate exclusively with joint committees that are permitted to separate into single-house operations whenever a majority of the committee members from one chamber find themselves in disagreement with a majority of their colleagues from the other chamber. Joint committees are found with somewhat more frequency when their responsibilities cover internal management and executive oversight matters.

Non-Legislation Committees. Many parliamentary and legislative bodies have committees that handle matters other than legislation. Management or supervisory committees may oversee such matters as administration of the parliament or legislature or a particular staff activity. In the American separation of powers system, it is not uncommon to have a permanent committee that is responsible for oversight and performance audits of executive branch departments or agencies. In the United States, the state legislatures of Virginia, Mississippi, and Connecticut are among the several state legislative bodies that have had highly effective executive oversight committees for many years. The United Kingdom and a number of other Westminster-style parliaments assign similar oversight responsibilities to what they call select committees. Unlike ad hoc committees that exist to review specific proposed legislation and then disband, select committees in Westminster-style parliaments are often permanent and have as their only assignment to conduct oversight of a specific government ministry or ministries.

Committee Chairpersons. Regardless of the nature of a particular parliament's or legislature's committee system, committee chairpersons almost always play the most significant role in determining whether individual committees succeed or fail in their missions. Committee chairmanships are determined in a variety of ways in legislatures and parliaments around the world. Most are elected to their positions by the committee, their party caucus or the full chamber. In a few bodies, they are appointed by the presiding officer.

In the United States Congress where committee chairs manage their committees with little interference from the leaders of the full chamber, all committee chairpersons come from the majority party. In the U.S. Senate, the longest-serving committee member from the majority party is traditionally nominated chairman by the majority caucus and ratified by the full Senate. In the House of Representatives, committee chairs are selected by the majority party caucus and formally elected by the full chamber. In the weaker British House of Commons committee system, each committee elects its chairperson, with all chairs coming from the majority party.

In many multi-party and coalition-controlled parliaments, committee chairpersons come from several different parties. In the Indian Parliament, the Russian Duma, and the Argentina Legislature, chairmanships are allocated in proportion to party strength in the chamber. In the German Bundestag, the Portuguese Assembly of the Republic, the Romanian Senate and Romanian Chamber of Deputies, and the Senegalese National Assembly, some committees are chaired by members from other than the majority party or majority coalition.

The Costa Rican Legislative Assembly and the majority of United States state

legislatures are among the handful of parliaments and legislatures in which committee chairpersons are appointed by the chamber's presiding officer.

While committee chairpersons are responsible for presiding over committee meetings and hearings and providing administrative leadership to the committee in all parliaments and legislatures, their roles and responsibilities vary significantly when matters that have passed through their committee reach the floor of the parliament or legislature. In the United States separation of powers system, committee chairs usually lead floor debate on legislation that sent to the floor by their committee. In British-type parliamentary systems, the relevant cabinet minister, who is a member of the parliament, will usually lead the debate.⁽³⁾

Recent Streamlining Of United States Legislative Committee Systems. In the United States, which is most often cited as having the most influential and powerful committee system of any legislature or parliament, the Congress and many of the country's fifty state legislatures have, over the past several decades, undertaken comprehensive examinations of their committee systems in efforts to improve them. Most of these reviews have resulted in reductions in the number and size of committees, adjustments in committee jurisdictions to make them more directly parallel those of the executive departments and agencies, significant increases in committee staff support, and efforts to lessen conflicting demands on committee members' time by placing controls on when committees are permitted to meet.

(3) UNDP. (<http://www.undp.org/governance/parldev/docs/legiscomm.doc>), 2005.

Appendix B

Committee Support Staff Model Job Descriptions

- **Director, Committee Support Division**
- **Committee Legal Adviser**
- **Committee Budget and Financial Adviser**
- **Committee Research Adviser**

Director, Committee Support Division

Summary of Position: The Director of the National Assembly's *(or of an individual house's)* Committee Support Division will be responsible for providing supervision and coordination of the division staff's nonpartisan research and administrative support to the National Assembly's *(or an individual house's)* committees.

Position Requirements: The Director should possess the following qualifications: 1) a demonstrated record of experience in nonpartisan professional research and and/or legal analysis; 2) a record of demonstrated success in a relevant managerial or supervisory capacity; 3) a demonstrable knowledge and understanding of the basic concepts and techniques of professional research, with particular emphasis on public policy analysis, and an ability to write and edit in a clear, concise, and understandable manner; 4) the ability to speak, read, write and interpret Dari, Pashtu and English; 5) a sound understanding of Afghanistan's parliamentary process, and a commitment to the belief and principle that the parliament is the people's "protector of democracy"; 6) no close involvement or association with a particular political party that would prevent the Director from performing and/or appearing to perform his/her duties in a completely objective and nonpartisan manner; 7) a demonstrable ability to effectively supervise and motivate the division staff members under the Director's direct and supervision; and, 8) a university degree (with a post-graduate degree preferred) in the social sciences or law.

Supervision Exercised: The Director will be responsible for day-to-day supervision and management of the staff of the Committee Support Division of the National Assembly *(or of one house of the National Assembly)*.

Supervision Received: The Director will be appointed by the Secretary General, and will receive general supervision from the Secretary General.

Committee Legal Adviser

Summary of Position: A Committee Legal Adviser provides bill- and amendment-drafting assistance and legal advice to the National Assembly's committees and its individual members.

Position Requirements: A Committee Legal Adviser should possess the following qualifications: 1) a demonstrable knowledge and understanding of the Afghan legal system; 2) the ability to speak, read, write and interpret Dari, Pashtu, and English; 3) a demonstrable understanding of and skill in the techniques and art of parliamentary bill drafting; 4) a general understanding of Afghanistan's parliamentary process, and a commitment to the belief and principle that the parliament is the people's "protector of democracy"; 5) no close involvement or association with a particular political party that would prevent the individual from performing and/or appearing to perform his/her duties in a completely objective and nonpartisan manner; and, 6) a university degree in law.

Supervision Exercised: Committee Legal Advisers will exercise such supervisory responsibilities as may be assigned to them by the Director of the Committee Support Division.

Supervision Received: Committee Legal Advisers are appointed by the Director of the Committee Support Division, subject to the approval of the Secretary General. They are supervised on a daily basis by the Director of the Division and, on a general basis, by the chairperson(s) of committee(s) to which they are assigned by the Director.

Committee Budget and Financial Adviser

Summary of Position: A Committee Budget and Financial Adviser provides nonpartisan professional research analysis and assistance on budgetary and financial matters to the National Assembly's committees and its individual members.

Position Requirements: A Committee Budget and Financial Adviser should possess the following qualifications: 1) a demonstrable basic knowledge and understanding of the concepts and techniques of professional research, with particular emphasis on budgetary and financial matters, and an ability to write and edit in a clear, concise, and understandable manner; 2) the ability to speak, read, write and interpret Dari, Pashtu and English; 3) a general understanding of Afghanistan's parliamentary process, and a commitment to the belief and principle that the parliament is the people's "protector of democracy"; 4) a general understanding of Afghanistan's budget process and procedures, and a sensitivity to the information, research, and policy analysis needs of the National Assembly on budgetary and financial matters; 5) no previous close involvement or association with a particular political party that would prevent the individual from performing and/or appearing to perform his/her duties in a completely objective and nonpartisan manner; and, 6) a university degree in economics or the social sciences.

Supervision Exercised: Committee Budget and Financial Advisers exercise such supervisory responsibilities as may be assigned to them by the Director of the Committee Support Division.

Supervision Received: Committee Budget and Financial Advisers are appointed by the Director of the Committee Support Division, subject to the approval of the Secretary General. They are supervised on a daily basis by the Director of the Division and, on a general basis, by the chairperson(s) of committee(s) to which they are assigned by the Director.

Committee Research Adviser

Summary of Position: A Committee Research Adviser provides nonpartisan professional research analysis and administrative assistance and service to the National Assembly's committees and its individual members.

Position Requirements: A Committee Research Adviser should possess the following qualifications: 1) a demonstrable basic knowledge and understanding of the concepts and techniques of professional research and an ability to write and edit reports, meeting agendas and minutes in a clear, concise, and understandable manner; 2) the ability to speak, read, write and interpret Dari, Pashtu and English; 3) a general understanding of Afghanistan's parliamentary process, and a commitment to the belief and principle that the parliament is the people's "protector of democracy"; 4) a general understanding of, and a sensitivity to, the information and research needs of the National Assembly, and particularly of its committees; 5) the ability to analyze and summarize legislation in a clear and concise manner; 6) no previous close involvement or association with a particular political party that would prevent the individual from performing and/or appearing to perform his/her duties in a completely objective and nonpartisan manner; and, 7) a university degree, preferably in the social sciences.

Supervision Exercised: Committee Research Advisers will exercise such supervisory responsibilities as may be assigned to them by the Director of the Committee Support Division.

Supervision Received: Committee Research Advisers are appointed by the Director of the Committee Support Division, subject to the approval of the Secretary General. They are supervised on a daily basis by the Director of the Division and, on a general basis, by the chairperson(s) of committee(s) to which they are assigned by the Director.

Bibliography

Copeland, Gary W. and Samuel C. Patterson. "Changing An Institutional System". In Copeland and Patterson, eds. *Parliaments In The Modern World: Changing Institutions*. University of Michigan Press, 1994.

Jewell, Malcolm E. and Marcia Lynn Whicker. *Legislative Leadership in the American States*. University of Michigan Press, 1994.

Kurtz, Karl T. "Legislatures And Citizens: Public Participation And Confidence In The Legislature". For USAID through National Conference of State Legislatures (NCSL) and Research Foundation of the State University of New York. Research Foundation of the State University of New York, 1997.

Lakis, Stephen G. "The Essential Role Of Legislatures And Parliaments In Achieving Global Democracy". Remarks to symposium of German legislators, November 2001.

Little, Thomas H. "Understanding Legislative Leadership Beyond The Chamber: The Members' Perspective". In *Legislative Studies Quarterly*, May 1995.

Mason's Manual Of Legislative Procedure. West Publishing Company, 1989.

Nakamura, Robert T. and John Johnson. "Legislatures And Legislative Development". Paper presented to Council of Peoples' Representatives, Addis Ababa, Ethiopia, 1995.

National Conference of State Legislatures (NCSL). *A Chairman's Guide To Effective Committee Management*, NCSL, 1981.

National Democratic Institute For International Affairs (NDI). "Committees In Legislatures: A Division Of Labor". NDI Legislative Research Series paper #2. NDI, 1996.

Ogle, David B. *The Design Of Public Policy In A Transparent Parliament Through A Public/Private Partnership*. For Parliament of Jakarta City (Indonesia) through State Legislative Leaders Foundation, 2003.

_____. *Handbook For Committees Of The National Assembly Of Bulgaria*. For State University of New York, Center For International Development and United States Agency For International Development (USAID) through State Legislative Leaders Foundation, 2002.

_____. "Legislative Committees: A Legislative Body's Most Important Institutional Mechanism". Paper prepared for 2^d International Conference On Strengthening Legislatures In Response To Globalization And International Security Issues, Makati City, Philippines, December 2004.

_____. "Making Committees An Effective Arm Of The Parliament". Paper presented to Conference on Effective Legislative Representation, Kampala, Uganda, August 1999.

_____. *Manual For Parliamentary Committees*. For National Parliament of Timor-Leste through United Nations Development Program (UNDP) and State Legislative Leaders Foundation, 2004.

Rosenthal, Alan and Karl T. Kurtz, John Hibbing and Loomis Burdett. *The Case For Representative Democracy*. The Trust For Representative Democracy and the National Conference of State Legislatures, 2001.

Rosenthal, Alan. 2004. *Heavy Lifting: The Job of the American Legislature*. CQ Press, 2004.

_____. *The Decline Of Representative Democracy*. CQ Press, 1998.

_____. *Legislative Life: Process And Performance In The States*. Harper & Row, 1981.

State Legislative Leaders Foundation (SLLF). *Handbook For Parliamentary Commissions And Committees*. For the regional parliaments of Indonesia through United States-Asia Environmental Partnership Program (US-AEP), SLLF and US-AEP, 2001.

_____. *Handbook For Parliamentary Leaders*. For the regional parliaments of Indonesia through United States-Asia Environmental Partnership Program (US-AEP), SLLF and US-AEP, 2001.

_____. *What Have You Gotten Yourself Into; A Guide For New Legislative Leaders*. SLLF, 2003.

Studler, Donley T. *Great Britain: Decline Or Renewal?* Westview Press, 1997.

The Constitution Of Afghanistan, 2004.

United Nations Development Program (UNDP). "Deepening Democracy In A Fragmented World". 2002 Human Development Report, UNDP, 2002.

_____. "Legislative Committee Systems". Unpublished resource document, UNDP website (<http://www.undp.org/governance/parldev/docs/legiscomm/doc>), 2005.

United States Agency For International Development (USAID). "Handbook On Legislative Representation". A Compendium of Conference Proceedings, Kampala, Uganda, August 4-5, 1999. USAID, 2000.

_____. "Understanding Representation: Implications For Legislative Strengthening". Report on Second International Conference On Legislative Strengthening, USAID, 2000.

_____. *USAID Handbook On Legislative Strengthening*. USAID, 2000.

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David B. Ogle
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Facing the rising sun of our new day begun,
let us march on till victory is won.

Out from the gloomy past, till now we stand at last
where the white gleam of our bright star is cast.

Shadowed beneath thy hand, may we forever stand,
true to our God, true to our native land.

James Weldon Johnson

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National Assembly of Afghanistan

**Balancing Security
And Citizen Access
In The National
Assembly
Of Afghanistan**

By

David B. Ogle

State Legislative Leaders Foundation

for

SUNY/CID Afghanistan Parliamentary Assistance Program

April 2005

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I. The Delicate Balance Between Legislative Security And Public Access To The Legislature

At the heart of every democratic system, be it a highly developed one or one in the early stages of development, is a representative assembly--a parliament or legislature.

While every legislative body is unique, exercising varying degrees of autonomy and power and operating within a framework of its own special practices and traditions, the history of democracy throughout the world demonstrates and confirms that a freely chosen parliament or legislature provides the foundation for a strong, stable, and sustainable democratic system. Modern democracy is most accurately described as *representative democracy* in which parliaments and legislatures represent the citizens of their countries, their provinces, or their districts—making democracy work by serving as agents of the people, responding to their needs and wishes and addressing matters that impact on their daily lives. They enact laws that provide for a free and orderly society. They help to assure that funds from the public treasury are spent wisely and productively. They protect the people against abuse or deprivation of their basic human rights. And, most importantly, they serve as the ultimate restraint on the abuse or excessive exercise of power by a single individual.

To function as a successful and effective representative assembly, a parliament or legislature must establish a linkage between itself and those it represents. Only through establishment of such a connection with its constituents can a legislative body legitimize and institutionalize itself as *their* representative assembly—as a body that understands *their* problems, cares about *their* concerns, and enacts legislation in *their* interest. It is highly unlikely that any parliament or legislature that fails to establish a linkage with its constituents can have the clear in-depth understanding of those constituents' needs and wishes that is necessary to enable it to render responsible and effective decisions on their behalf.

The keys to establishment of a solid linkage between a parliament and its citizens are an open and transparent process for the conduct of parliamentary business and a commitment by the parliament as whole and its members individually to an on-going dialogue with constituents for the exchange of information and views. This requires a feeling—in fact, a confidence—on the part of the citizens that they have access to their elected representatives and to their various official activities in which they examine

issues and make decisions. As most of these official activities take place within the building or buildings out of which the parliament operates, a major component of transparency concerns the access that the public has to these facilities. If citizens perceive the building and facilities in which their parliament conducts its official business as a fortress in which they and their representatives are separated from one another, that critical feeling of linkage with their representatives will surely begin to break down.

For the members of a democratic legislative body, the setting or settings in which they meet and make decisions must be one in which they feel comfortable and confident about their ability to render their judgments free of inappropriate external pressures and without fear for their personal safety or well-being.

It is the unfortunate reality in the twenty-first century world that these dual needs—for the people to feel that their legislative body and their representatives who comprise it are accessible to them and the need for those representatives to feel that they are able to conduct their business in a safe and secure environment sometimes find themselves in conflict with one another. Terrorism is a global threat that cannot be ignored by any democratic parliaments or legislatures anywhere in the world. But neither can they, in taking necessary steps to protect against such threats, afford to ignore the vital importance of establishing a linkage to their constituents as a crucial element of a transparent process.

The potential conflict between citizens' accessibility to the legislatures that they have elected and the assurance of a safe working environment for the members of that body has a special poignancy for the people of some countries that have experienced serious and sometimes fatal security breaches in their parliamentary and legislative meeting facilities. The worst of these incidents occurred in Armenia on October 27, 1999 when the country's Prime Minister, the Speaker of the National Assembly and several other parliament members and cabinet ministers were assassinated by gunmen who stormed the National Assembly meeting chamber. This event, along with other terrorist attacks on legislative buildings in India and Switzerland in 2001 and the World Trade Center attacks in New York City on September 11, 2001, have left parliamentary and legislative bodies throughout the world with no alternative but to severely tighten the security of the facilities in which they meet. But achievement of a safe working environment without damaging that vital linkage that allows the people the right of access to their elected representatives can be a difficult and complex undertaking.

II. A Plan To Balance Security And Public Access

For the National Assembly to achieve an appropriate balance between an effective security operation and procedures and adequate public access to its facilities, it must address eight key areas:

- The Degree Of Control That The Parliament Exercises Over Its Security Operations
- Access Procedures To The Facilities
- Emergency Evacuation Plan
- Security Personnel
- Security In The Meeting Chamber
- Parking Facilities
- Regulations Concerning Possession Of Firearms And Weapons Within The Facilities
- Public Tours Of The Parliament

Following is an examination of each of the areas and seventeen possible actions that might be considered by the National Assembly with regard to them.

The Degree Of Control That The Parliament Exercises Over Its Security Operations

The vast majority of legislative bodies are the sole occupants of the facilities out of which they operate and where their members and staff have their offices. Yet, security operations in many such facilities are the responsibility of an executive department or ministry that is not directly answerable to the parliament. When such a situation exists, the leaders of the parliament should lead their body in taking action to place full responsibility and jurisdiction for building and grounds security under the sole and direct control of the parliament.

The security needs and requirements of a democratic legislative body are unique, and different from those of any other government agency. Unlike executive bureaucrats, parliamentarians are high-profile individuals who are the representatives of the people

and need to be seen by the people as such. This makes them more visible and more attractive targets to those harboring thoughts of disrupting the democratic process. At the same time, to effectively carry through in their roles as the people's representatives and establish that essential linkage between their institution and the people, parliamentarians must be more accessible to the people than executive bureaucrats. It is these potentially contradictory requirements that make the security operation of legislative facilities both unique and more difficult and more complex than for other government buildings. It is particularly because of this that parliaments and legislatures should have complete control over the security operation of the building or buildings in which they operate. This control should include surrounding grounds and parking facilities. The members of the body can understand and appreciate these requirements far better than can a department or ministry of the executive and will be far better equipped to determine how far the legislature can afford to go in the direction of assuring a safe and secure working environment while continuing to afford the citizenry—their constituents—with adequate access to their elected representatives.

While it might seem logical to assign responsibility over security to the parliament's presiding officer or to a top staff member such as the Secretary General or the presiding officer's chief of staff, assignment of an additional major responsibility to an individual or individuals who will already be overburdened with a myriad of other demanding and time-consuming responsibilities will almost certainly prevent these individuals from focusing on both immediate and long-term security issues to the extent required. A preferable approach would be to have a joint parliamentary committee or subcommittee on building and grounds security. The committee should include members from both houses and should be appointed through the same procedures as other committees in the two houses. It should be responsible for overseeing and monitoring all aspects of security in the National Assembly Building or buildings and their surrounding grounds and parking facilities. A key component of this committee's monitoring responsibility should be to conduct an annual review and assessment, in conjunction with the director of National Assembly security, of the state of parliamentary security operations and submit a report, along with recommendations, to the National Assembly.

In the current global environment, democratic parliaments and legislatures everywhere must accord high priority to security matters in and around the venues in which they conduct their official business. There is obviously a great deal that can be gained through an exchange of ideas and approaches to this matter. And there is no substitute for first

hand observation of how another legislative body addresses its security concerns. Accordingly, it would be extremely important and useful for the National Assembly to provide a parliamentary security committee with funding to permit it to undertake at least one study tour per year to observe and examine security operations in other parliaments and legislatures, with particular focus on nearby countries where security requirements may be most similar to theirs and where travel costs would not be prohibitive.

Possible Action 1. The National Assembly should have a special joint committee or subcommittee on parliamentary security, comprised of members from both houses and appointed through the same procedure as other committees, with the committee or subcommittee to be responsible for overseeing and monitoring all aspects of security in the National Assembly Building or buildings and their surrounding grounds and parking facilities.

Possible Action 2. A key component of the monitoring responsibility of the parliamentary security committee should be to conduct an annual review and assessment, in conjunction with the director of National Assembly security, of the state of security operations in the parliament and submit a report, along with recommendations, to the National Assembly.

Possible Action 3. The parliamentary security committee should be provided with funds to permit it undertake at least one study tour per year to observe and examine security operations in other parliaments and legislatures, particularly those in nearby countries where security requirements may be most similar to theirs and where travel costs would not be prohibitive.

The creation of a parliamentary committee or subcommittee charged with responsibility for overseeing and continually monitoring building and grounds security and conducting an annual assessment of the state of security operations could be an important, and necessary, first step toward assuring that the National Assembly achieves full control over security within its operational complex. A second important step would be to place security personnel under the direct supervision and control of the parliament and make them employees of the body.

The importance of having security personnel that will solely responsible to and part of the parliament is emphasized by Richard Perkins, Speaker of the Nevada State Assembly.

Speaker Perkins is uniquely qualified to pass judgment on the most desirable means of organizing security in a legislative or parliamentary facility. In addition to his service as Speaker of the part-time Nevada Assembly, a position that he has held since 2001, Speaker Perkins has had a professional career spanning more than twenty years in local law enforcement. Until his recent retirement, he served as the Deputy Chief of Police for Henderson, Nevada, a city of more than 200,000 population. According to Speaker Perkins, whose legislature controls security personnel in Nevada's legislative facilities:

The one thing that is an absolute necessity for the effectiveness of any security operation is a clear chain of command. To have the security personnel in a public building as high-profile as one occupied by an elected legislature be responsible to some agency other than the legislature itself makes no sense to me as a legislative leader, and certainly not as a law enforcement professional. To not have a single clear chain of command in a legislative security operation is an invitation to trouble, particularly in a moment of crisis when quick and decisive action may be called for and the possibility would exist that the security staff could receive conflicting or contradictory orders from the leadership of the legislature and the head of the non-legislative agency of which it is part.

While at first glance, it may not seem that imperative that parliamentary security personnel be employees of the National Assembly as long as it has a committee authorized to oversee its security—in other words, that security personnel could remain employees of an executive ministry responsible for law enforcement but be answerable to the parliamentary security committee for daily instructions. But any such answerability, however clearly it may be defined, will never negate the fact that National Assembly security staff remain employees of the executive ministry, with the head of the security detail ultimately responsible to the head of the ministry.

It may be argued that the likelihood is small of a situation occurring in which the head of National Assembly security could be faced with having to deal with conflicting instructions. But, as Speaker Richard Perkins points out, such a possibility will always exist as long as the security personnel in the building occupied and controlled by the legislature are part of a subunit of a department or ministry under the executive. Such a situation did, in fact, occur in the Connecticut General Assembly a number of years ago.

In Connecticut, the State Capitol Building, which is occupied by both the Governor and both houses of the legislature, is under the control of the legislature. At the time of the incident in question, the security force was headed by an officer of the Department of State Police, an executive branch agency responsible to the Governor. The incident involved a minor disturbance in the meeting chamber of the state's House of Representatives that required assistance from the capitol security office. The state police officer who headed the security office was asked by the Speaker of the House to handle the situation in one manner while the Commissioner of State Police—the officer's official superior—directed him to handle it differently. The security chief was left in a quandary about how to respond, and did nothing. The resulting stalemate prevented the House of Representatives from holding a scheduled session that day. The disagreement was resolved the next day, and the House met in session one day later than planned. Fortunately, this was a minor incident that did not involve an act of violence. Had it been something more serious, the consequences could have been significant. Partly as a result of this incident, the Connecticut legislature subsequently enacted legislation that removed the capitol security office from the Department of State Police and placed it directly under the control of the legislature.

The Nevada Legislature and the Connecticut General Assembly are only two of a number of legislative bodies in the United States in which security in legislative facilities is under the direct control of the legislature. These include the United States Congress and the California and North Carolina legislatures. Likewise, in Canada, the national parliament and most provincial legislative assemblies have direct control over security in the buildings that they occupy (see *Appendix A*). Among other countries in which security operations in the parliamentary or legislative building are under the direct control and supervision of the legislature or parliament are Germany (the Bundestag), Costa Rica, and Ukraine.*

While placement of building security personnel under the direct control of the National Assembly would clearly be the preferred approach, it is understood this can sometimes be a controversial and, possibly, a politically difficult step to take. Should this prove to be the case and a decision is made that even some members of the security unit must remain a subunit of an executive law enforcement ministry, the National Assembly should secure

* The Costa Rican Legislature contracts directly with a private security agency which is solely responsible to the legislature. The Parliament of Ukraine recently assumed full control over security personnel in its parliamentary building, transferring authority and control from an executive ministry.

an understanding with the head of the ministry that the parliamentary security committee (if its is created) or the top administrative official of the parliament (if the committee is not created) will have the right of approval on all personnel assigned by the ministry to the National Assembly security detail and that, in the event the head of the security detail ever receives conflicting directives from the parliamentary security committee and the ministry, the directive of the security committee will always take precedence.

Possible Action 4. All security personnel of the National Assembly should be employees of the National Assembly.

Possible Action 5. If any members of the National Assembly security personnel remain under an executive ministry, the parliament should secure an understanding with the head of the ministry that: a) the committee on parliamentary security (if it is created) or the top administrative official of the National Assembly (if a committee is not created) will have right of approval on all personnel assigned by the ministry to the National Assembly staff detail; and, b) in the event the head of the security detail receives conflicting directives from the National Assembly and the ministry, the directive of the National Assembly will always take precedence.

Access Procedures To The Facilities

The citizenry will almost always have more interest in and reason for wanting to enter a facility utilized by their parliament—their representative assembly—than they will in the case of other government buildings. But here again, the potential conflict between security and access surfaces because, just as the public will have more reason to enter the facility, those who might have as a goal the disruption of the government and the destruction of the democratic process will also be likely to see the facility as a particularly inviting target.

The National Assembly of Armenia provides a good case study as it had to address this potential conflict between security and public access to its facilities in the years following the October 27, 1999 terrorist attack in its meeting chamber. Initially, the leadership of the National Assembly made a strong effort to ensure the safety of the elected Deputies, the National Assembly's staff, and visitors and guests in the National Assembly Building and grounds. Not surprisingly, the security steps that the National Assembly found it necessary to take created some problems for it in non-security areas. A decision to keep all but two or three doors of possible entry to the building locked caused some difficulty

to maneuver within the National Assembly Building which has a three-winged design. But, far more importantly, the restriction on public access to the building and grounds to invited guests of deputies and staff risked creation of a feeling of separation and even alienation-- akin to what existed in Armenia's previous authoritarian system--between the Armenian people and the parliament that they have elected to represent them. With the support and encouragement of the USAID legislative support and tourism promotion programs, the National Assembly indicated a recognition of this potential problem and began taking action to address it. It established a new Visitor Center in the security and visitor center building and allowed two "Parliament for the People" concerts, open to the public, to be held on the National Assembly Building grounds in conjunction with Armenian Independence Week in September of 2002 and 2003 (these concerts have since become an annual event sponsored by the National Assembly for the people). The Assembly also established a limited walk-in building tour program as another positive step in reaching out to the people to reestablish a feeling of linkage between them and their parliament.

Events of recent years have forced all legislative bodies throughout the world to examine the effectiveness of their methods and procedures for screening carry-in items of individuals entering their facilities. Far more often than not, they have concluded that their procedures were inadequate. Most parliaments and legislatures now utilize metal detectors, but a substantial number still rely on the use of hand checks by security personnel to screen carry-in items such as computer bags and purses. Such hand checks are can almost never be relied upon as an effective screening process. They are at best inconsistent, and often completely ineffective. A hand-carried bag is one of the most likely means by which an individual might try to smuggle a firearm, weapon or chemical or biological agent into a building. A failure to consistently and thoroughly screen such items is an invitation to a serious security breach. Security in this area can be tightened considerably if carry-in bags are put through an x-ray machine as individuals pass through entry points. Where parliamentary or legislative buildings are surrounded by walled-in grounds, these machines should be placed at the entry to the grounds. Where the surrounding grounds are not walled-in, they should be placed at the entry point or points into the building.

L-3 Security, Communication & Detection Systems, is one of the larger international distributors of building x-ray equipment. Company representatives suggest that an x-ray machine adequate to handle requirements at an entry point to a legislative building would

cost between \$20,000 and \$30,000. Installation and training of security unit personnel (essential to operate the equipment correctly and effectively) are not included in this estimate. In addition to receiving a more thorough check by passage through an x-ray machine, a carry-in bag can almost certainly be run through such a machine more quickly and efficiently than it can be checked by hand. More information about x-ray equipment manufactured by L-3 Security can be found on the company's website (www.dsxray.com). L-3 Security's United Kingdom office is responsible for the company's activities in Europe and Asia. Its address is:

L-3 Security, Communication & Detection Systems
Unit 2
Brants Bridge
Bracknell Berkshire, United Kingdom
RG 12 9HW

The purchase of an x-ray machine involves no small expenditure. And many parliamentary and legislative buildings have more than one entry point which would necessitate the purchase of multiple units. But as parliaments and legislatures have been tightening their security arrangements in recent years, they have been closing off what had previously been public entry points to their buildings and grounds and funneling entrants through only one or two locations. And, most importantly, the cost of x-ray screening equipment pales in comparison to the human suffering and physical destruction that could result should a successful terrorist attack be carried out inside the facility.

Possible Action 6. A metal detector and an x-ray machine to screen carry-in items should be at each entry point to the National Assembly's facilities.

To enhance security, the grounds surrounding many parliamentary and legislative facilities are surrounded by walls or fences, with all individual screening conducted at the entry to the grounds and no further screening at entrances to the building or buildings. Under such arrangements, it could be possible for someone who has been passed through the security checkpoints at the entry point to the grounds to inconspicuously wander to a secluded area of the grounds and either receive a package or bag either passed through or thrown over the fence or wall at an earlier point and left on the grounds for later pick-up. This potential breach of security can be addressed in one of two ways. The first would be for security personnel to continually patrol the grounds. The second would be to place a second metal detector and x-ray machine checkpoint at the entrance or entrances to the

building. If the first could be accomplished by simply redeploying existing personnel of the security unit from other assignments that would not create other possible breaches, it would be the logical solution as it could be done almost immediately and at no cost. The placement of a new security checkpoint just inside the public entrance to the building would be the less preferable approach because it would involve expenditures for the purchase of additional equipment and could also create further delays for those entering the building.

Possible Action 7. National Assembly security personnel should continually patrol the grounds surrounding their building(s). If this is not feasible and the only security checkpoint is at the entrance to the grounds, a second metal detector and x-ray machine checkpoint should be established just inside the public entrance to the building or buildings.

Visitor management is most often the aspect of legislative building security that poses the greatest danger to safety because security personnel invariably know far less detail about building visitors than they do about individuals who work in the building on a daily basis. In some ways, the design of a visitor management policy poses the biggest single challenge to a democratic legislative body trying to establish a fine balance between safety and security and access and contact for those it represents and serves. Many businesses and some government facilities in various parts of the world have adopted something called a smart card system for access to their facilities. In most cases, smart cards--computerized credit-size cards that contain multiple types of information about an individual--have been used for employee security with the company or government building. While smart cards are not yet in use for visitor control in the United States Congress or in any state legislatures in the United States, they are in use in a few European parliamentary bodies. The Parliament of the Czech Republic in Prague and the Polish Sejm in Warsaw have adopted systems of this sort for visitors and staff and they are described as quite efficient. In 2003, the Parliament of The Netherlands in The Hague announced that it had contracted with four European firms for the implementation of what is described as a multi-application smart card system for staff and visitors in its parliamentary building. The four firms are:

Siemens AG
Ul. Agatangeghos 2a
Yerevan, Armenia
Tel: 375023

Bell ID
Postbus 29141
3013 A
Rotterdam, The Netherlands

E-mail: Norayr.khachtryan@siemens-inter-as.com

Tel: +31(0) 10 885 1010

E-mail: info@bellid.com

Defence Telematics Organisation (DTO)*
1 3155 RC
Maasland, The Netherlands

ComCard
Hammerbrucker Str. 3
D-08223 Falkenstein, Germany
Tel: +49(0) 3745/769-0
E-mail: ComCard@ComCard.de

A smart card system can be quite costly. Fortunately, there are far less expensive and probably more specifically appropriate systems on the market that would enable the National Assembly to achieve efficiency and effectiveness in visitor control management. An example is VisitorWatch, a system offered by All-Star Identification Systems, Inc. of Randolph, New Jersey, a company with over a quarter century of experience in the security industry. The VisitorWatch system is currently used in numerous public and private buildings throughout the United States, including many government agencies engaged in sensitive and classified work and many private sector defense contractor and drug firms.** The system enables building security staff to electronically track all building visitors via a bar code scanner. And it enables anyone who works in the building to notify the security checkpoint, through a restricted access website, of the name, date, and anticipated arrival time of a visitor who will be coming to the building for an appointment. The notification can be sent days in advance and will not appear on the security checkpoint computer until the scheduled day of arrival. Security personnel can then, through a special thermal printer, print a peel-off sticker that can be affixed to a reusable plastic badge indicating the individual's name, the person with whom he or she will be meeting, the scheduled time and location of the meeting, and other pertinent information. This is issued to the individual who returns the badge, with the sticker being peeled off, upon departure. Stickers can be pre-printed by security personnel at the beginning of the day and be ready for immediate issuance upon the visitor's arrival and presentation of proper identification. At any given time, security personnel can check the restricted access website and generate a list of the names and locations of every visitor in the building. In the event of an emergency, the system's visitor tracking screen

*No additional address information could be located on Defence Telematics Organisation.

**Among companies currently using the VisitorWatch system: General Electric Corp.; Pfizer Pharmaceutical; United Technologies Corp; UBS Paine Webber; and, Dow Jones.

enables instant accountability for all visitors in the building complex. Installation of a system such as VisitorWatch could vastly improve the speed and efficiency of the visitor entry process to the National Assembly facilities. Perhaps more importantly, it could provide the parliament's security personnel with a highly effective system of visitor management and control. The cost for purchase of such a system is not prohibitive. According to representatives from All-Star Identification Systems, the approximate one-time start-up costs for its system would be in the vicinity of \$8,500, broken down as follows: restricted access website, \$5,000; license for each checkpoint (only one would be needed in the security and visitor center building), \$1,700; special thermal printer, \$795; and, bar code reader, \$1,000. There would be an additional minimal cost for the purchase of the reusable badges. The only consumable cost of the VisitorWatch system is for the peel-off stickers. User guides and web demonstrations are provided free of charge. There would, however, likely be some initial installation and training charges.

There are certainly other firms as fully qualified as All-Star Identification Systems that would have the capability of providing the National Assembly with a streamlined visitor control system similar to that of VisitorWatch. More information on the VisitorWatch system may be found on the dedicated website that All-Star Identification Systems has set up for it: www.visitorwatch.com.

Possible Action 8. The National Assembly should examine the feasibility of installing a computerized visitor management system to streamline and expedite visitor entry processes into its facilities and enable parliamentary security personnel to exercise effective visitor control.

Emergency Evacuation Plan

The greater focus, by far, of any current examinations of security in and around parliamentary facilities concerns means of controlling access to the facilities. But it is important that no parliamentary body ignore the possibility of having to quickly evacuate the facilities, not only because of the possibility of a terrorist incident but because of natural disasters such as fire or earthquake—the latter always a real possibility in Kabul.

In a building or building complex that, when the parliament is in session, can be filled with well in excess of one thousand people, the need for an emergency evacuation could lead to chaos and catastrophe if the National Assembly does not have a comprehensive

emergency evacuation plan that has been well thought out, is clearly understood by all security personnel, and is rehearsed through periodic evacuation drills.

***Possible Action 9.* The National Assembly should have a comprehensive and carefully designed emergency evacuation plan to allow for a speedy and orderly evacuation of its facilities in emergency situation. The evacuation plan should be clearly understood by all security personnel and should be rehearsed through periodic evacuation drills.**

Security Personnel

Possible Action 4 concerned the importance that all parliamentary security personnel be employees of the National Assembly, not of an executive ministry. All of the security personnel of what will be among Afghanistan's most high-profile public facilities should also be fully trained and qualified in the use of firearms. Any decision by the director of National Assembly security to not arm a security officer should be strictly a policy decision by the director and should not be dictated by the individual lacking the required skill and training. Decisions concerning which security personnel are to be armed must be made by the director of security, preferably with the approval of the parliamentary security committee or, if there is no such committee, by the top leaders of the two houses or the Secretary General. But all security personnel should be fully trained and qualified in the use of firearms.

Because of the special and unique nature of any facility occupied by a legislative body in a democratic nation, at least some National Assembly security personnel should also be professionally trained in both hostage negotiation and counter terrorism measures. In the event of a hostage or terrorist incident, the immediate responsibility of the security staff should be containment until personnel fully trained in the dealing with the specific nature of the problem can arrive on the premises. But, having some staff members on the security staff with specialized training in these areas could prove crucial in temporarily defusing the situation and keeping it from careening out of control during that crucial interval until the specialized personnel arrive.

***Possible Action 10.* Every National Assembly security officer should be fully trained and qualified in the use of firearms, and some officers should be provided with specialized training in hostage negotiation and counter terrorism measures.**

All National Assembly security officers should also be provided with walkie-talkie equipment to allow instantaneous encrypted communication with each other and with the main security office. The ability to maintain constant instantaneous communication is always important to the effectiveness of any security operation. In a time of crisis, it is vital. Walkie-talkie equipment is reasonable in price. While encrypting walkie-talkie equipment to assure confidentiality can entail significant additional cost, this could be a very cost-effective investment for the National Assembly's security operation.

Possible Action 11. National Assembly security personnel should be provided with walkie-talkie equipment that will allow its personnel to maintain instantaneous encrypted communication with each other and with the main security office.

Security In The Meeting Chambers

The meeting chambers in which parliamentary bodies hold their plenary sessions are almost always the highest-profile rooms in a very high-profile building—and likely the most attractive targets for anyone contemplating a disruptive act. In the event of a disturbance in either of the National Assembly's meeting chambers, the Speakers or presiding officers of the chambers should be able to immediately notify the main security office directly from the rostrum. This can be easily accomplished by installation of an emergency notification button on the presiding officer's rostrum that would allow for instantaneous notification of the situation to the main security office. Many parliamentary and legislative bodies have such an emergency notification system on their presiding officer's rostrum. Some go considerably further. In the California State Legislature in the United States, each individual member is provided with an emergency notification button on the desk in his or her personal office.

Possible Action 12. An emergency notification button should be installed on the presiding officer's rostrum in the meeting chambers of both the Wolesi Jirga and the Mesrano Jirga to enable the presiding officer of each house to immediately notify the main security office in the event of a disturbance in the chamber.

A few legislative bodies have placed a transparent protective covering between the public seating gallery and the floor of their meeting chambers. The New York State Legislature in the United States did this a number of years ago, placing a transparent bullet-prove covering in front of its public galleries after an incident in the meeting chamber of the State Assembly. But the New York State Capitol Building and the public galleries of the

its Senate and Assembly chambers are, like the buildings and public galleries of almost all state legislatures in the United States, among the most open and accessible legislative facilities in the world, and the leaders of the New York Legislature felt that such easy accessibility necessitated this special security measure. But for a developing legislative body like the National Assembly of Afghanistan that is trying to build a linkage between itself and its citizens, placement of any transparent bullet-proof covering between its public seating area and the seating area of its members could prove damaging in this all-important effort by creating a feeling of separation between the people and their national parliament.

Parking Facilities

To assure the best possible public access to a parliament and its individual members, parking facilities must be provided for the general public in an area adjacent to or in close proximity to its meeting and office facilities.

Parking facilities provide an added area of concern and responsibility for parliamentary security personnel. The parking areas of most parliamentary and legislative facilities—both those restricted to members and staff and those for use by visitors—are usually patrolled by security personnel during regular working hours. But the greatest potential danger to the security and safety of parking areas would likely involve the placement in the parking area of a delayed-action explosive device during the late evening hours when the area is likely to be empty. Therefore, National Assembly security personnel should conduct round-the-clock patrols of all parking facilities used by members, employees and building visitors.

Possible Action 13. Parking facilities should be provided for the public in an area adjacent to or in close proximity to the National Assembly's meeting and office facilities.

Possible Action 14. National Assembly security personnel should conduct round-the-clock patrols of all parking facilities used by members, employees and building visitors.

Regulations Concerning Possession Of Firearms And Weapons Within The Facilities

Either because they lack adequate security or simply because it is a policy that they have chosen to follow, some legislative bodies, particularly in developing countries, place no restrictions on legislators, employees or visitors carrying firearms or potentially deadly weapons within their facilities. It seems virtually impossible that anyone could present a convincing case that those individuals who are in a legislative or parliamentary complex at any given time are safer and more secure if people who have no official security responsibilities within the complex are permitted to be armed. The safest situation for everyone is a flat prohibition on anyone other than official security personnel from carrying a firearm or weapon on their person within the legislative building or buildings or on its surrounding grounds.

***Possible Action 15.* No individual other than official National Assembly security personnel should be permitted to carry a firearm or dangerous weapon on their person within the National Assembly's facilities or on its surrounding grounds.**

As logical and sensible as *Recommendation 15* may seem, tradition or special local conditions and circumstances may cause the leaders of a legislative body to conclude that a total prohibition on the carrying of firearms and dangerous weapons by anyone other than official security personnel cannot be instituted. In such circumstances, the parliament or legislature should, at the very least, place a prohibition on anyone carrying a firearm or weapon within the complex who has not undergone appropriate training in its use. At the absolute most, the carrying of a firearm or weapon in the National Assembly Building or on National Assembly grounds should be restricted to individuals granted specific authorization to do so by the director of security and, then, only upon presentation to the officer of documentation demonstrating that they have undergone appropriate training in the use of the weapon that they wish to carry on their person.

***Possible Action 16.* If leaders of the National Assembly conclude that they cannot restrict the carrying of firearms or dangerous weapons within the National Assembly's facilities or on its surrounding grounds to official security personnel, possession of a firearm or weapon within the facilities or on its grounds should be restricted to individuals granted specific authorization to do so by the director of security and, then, only upon presentation to the director of documentation**

demonstrating that they have undergone appropriate training in the use of the firearm or weapon that they wish to carry on their person.

Public Tours Of The Legislature

A well-publicized public tour program that offers citizens an opportunity to take a guided tour of the National Assembly could contribute to heightened citizen awareness of their new parliament and how it works. Just as importantly, a public tour program would at the very least, prove symbolically beneficial as a demonstration by the members of the National Assembly of the importance that they place on reaching out to the Afghan people to let them know that their parliament represents and serves them. It has been emphasized how important it is for a parliamentary or legislative body in a developing democracy to work at establishing a linkage with the people it represents. A visitor tour program would be a vital element in such an effort in Afghanistan.

Some parliaments and legislatures that have public tour programs provide tours only by pre-arrangement and usually only for groups. Others choose to maximize public access to their facilities and operations by also offering no-appointment walk-in tours. Where walk-in tours are conducted, they are often shorter and less involved than pre-arranged group tours that may include a meeting with a member or members of the parliament .

Individuals who tour the National Assembly's facilities under a formal tour program should be subject to the same entry requirements and security regulations as those who enter the facilities for official business purposes. Provided these requirements and regulations are in basic accord with the recommendations and suggestions in this paper, a public tour program should pose no danger to a safe and secure working environment for the conduct of official National Assembly business.

Possible Action 17. The National Assembly should offer well-publicized guided tours of its facilities to the general public, with individuals who go on such tours subject to the same entry requirements and security regulations as those who enter the facilities for official business purposes.

III. Summary

The opening section of this paper looked at the problem faced by all democratic parliaments and legislatures—but particularly those of developing democracies like Afghanistan—of achieving a delicate balance between assuring a safe and secure environment in which their members can transact business and establishing a sense among their citizenry of a linkage and connection to its representative assembly. The former is an essential element of effective parliamentary performance while the latter is a one of the fundamental building blocks of a solid foundation for a strong and sustainable democratic system.

The majority of the seventeen possible actions that are suggested for consideration by the National Assembly focus on things that it could do to make its facilities and surrounding grounds safe and secure for its members, staff and visitors. None of them, if implemented, would make the facilities or grounds of the National Assembly less accessible to the general public. To the contrary, their implementation would provide tight building and grounds security and allow the members of the National Assembly to feel increased confidence about undertaking initiatives to maximize public access to the parliament.

While each possible action should be viewed as one element of a comprehensive blueprint to provide for a secure working environment for parliamentarians while allowing greater public access to the National Assembly, the adoption of #1 and #4 would provide a base upon which to most effectively implement all of the others. The establishment of a committee (or subcommittee) on parliamentary security (#1) would assure that the matter of building security will be continually monitored and reviewed by the National Assembly. And placement of all security personnel under the direct control and supervision of the parliament (#4) would assure that the National Assembly will have full and unquestioned control over security operations in the facilities it occupies.

There can be no denying the fact that there will always be a certain price tag attached to achieving an appropriate balance between a safe and secure working environment for parliamentarians and facilities that will be as accessible as possible to the people that they represent and serve. There would no exception with the package of possible actions offered in this paper. While most of the suggested actions could be implemented at little

or no cost, some—in particular, #6, #8, and #11 (concerning, respectively, purchase of metal detectors and x-ray equipment, a state-of-the-art visitor management system, and an encrypted walkie talkie communication system—would require expenditure commitments for purchase of the indicated equipment. But even for the parliament of a relatively poor country like Afghanistan, the expenditure requirements would be modest. And if they are seen as an investment in the future of the country's democracy—which they surely would be—the decision should not be difficult.

Appendix A

SECURITY IN CANADIAN LEGISLATURES

by

Binx Remnant

Clerk (ret.), Manitoba Legislative Assembly

February 2004

Manitoba: Security within the Parliamentary precinct [Chamber, Committee Rooms, and Speaker's Office] during sessions is under the direction of the Sergeant-at-Arms who is a continuing sessional employee of the Assembly. He [or she] is responsible directly to the Speaker for ceremonial and security duties. Administratively he [or she] is responsible to the Clerk.

The Legislative Assembly Management Commission is similar to the Boards of Internal Economy, which exist, in most Canadian jurisdictions. It consists of a number of members representing all recognized parties and is chaired by the Speaker. Its composition, powers, duties and responsibilities, and methods of operation are set out in the LAMC Act.

Section 6 of this Act defines the duties and responsibilities of the Commission and states in paragraph (e): "[The Commission] is responsible subject to the administrative authority of the department of the executive government of the province charged with the responsibility for such security, for maintaining a proper system of security for the Chamber and the Assembly Offices;"

Rule 149 of the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba reads: "The Sergeant-at-Arms attending the House is responsible for the safekeeping of the Mace, furniture and fittings of the Assembly, and for the conduct of the messengers and attendants of the House, subject to the orders that the Sergeant-at-Arms may, from time to time, receive from the Speaker, or from the House.

The Department of Government Services, which provides building maintenance and upkeep, and a security service operate the Manitoba Legislative Building. Government departments and agencies occupy the bulk of the space in the building.

The above may not give a very clear picture and may even look like a recipe for problems. During sessions the Sergeant-at-Arms, the Deputy Sergeant-at-Arms and 3 gallery attendants perform their assigned duties in the Chamber including a security function. The government security personnel would only enter the Chamber if summoned by the Speaker, the Clerk or an upstairs gallery attendant in the event of a serious breach of security by using a built-in silent alarm system.

Several years ago the government security staff were alerted to an alleged bomb threat to the Legislative Building. The information was brought to a meeting with the Speaker and

senior staff including the Sergeant-at-Arms. Acting on the information given to him and after brief consultation with senior government officials the Speaker ordered evacuation of the building.

House of Commons [Canada]: The following information was obtained from “House of Commons Procedure and Practice” [commonly referred to by Canadian proceduralists as M & M] by Robert Marleau [Clerk of the House] and Camille Montpetit [Deputy Clerk] immediately preceding their respective retirements. Montpetit was detached from his regular duties to work exclusively on this excellent 1100 page reference work published in 2000 by the House of Commons in separate English and French versions. Montpetit is regarded as an outstanding and extremely knowledgeable proceduralist.

M & M states on p. 252: “Members are supported in their parliamentary functions by services administered by the Clerk of the House who, as the chief executive of the House administration, reports to the Speaker. The Clerk is appointed by Order-in-Council and is the senior permanent official of the House.” And “The staff and administration of the House come under the control of the Clerk.” And on page 253 “Reporting to the Clerk are senior officials who are responsible for the various organizational units of the House administration (i.e. parliamentary precinct services, procedural services in the House and committees, and corporate resources). The Sergeant-at-Arms, the Deputy Clerk and the Clerks Assistant have duties in the Chamber when the House is sitting as well as administrative responsibilities. The Sergeant-at-Arms assists the Clerk as head of parliamentary precinct services, performing certain ceremonial functions and being responsible for security and building services.”

The Standing Orders include these relevant provisions:

“151. The Clerk of the House is responsible for the safe-keeping of all the papers and records of the House, and has the direction and control over all the officers and clerks employed in the offices, subject to such orders as the Clerk may, from time to time, receive from the Speaker or the House.”

“157. (2) The Sergeant-at-Arms serves all orders of the House upon those whom they may concern and is entrusted with the execution of warrants issued by the Speaker. The Sergeant-at-Arms issues cards of admission to, and preserves order in, the galleries, corridors, lobbies and other parts of the House of Commons.”

“158. (1) Any stranger admitted into any part of the House or gallery who misconducts himself or herself, or does not withdraw when strangers are directed to withdraw, while the House or any Committee of the Whole House is sitting, shall be taken into custody by the Sergeant-at-Arms; and no person so taken into custody shall be discharged without the Special Order of the House.”

Since I have not had the opportunity to work in the House of Commons I am unable to offer any comments on the difference between theory and practice or on the application of rules and practices.

An incident from many years ago [1964 or 1965, I think] illustrates quite well the independence of the House and the degree of autonomy it enjoys without interference from other government agencies. The NWT Council, while still based in Ottawa, had obtained approval from the Speaker of the House of Commons to hold a session in the West Block of the Parliament Buildings. A mini-crisis arose because the Sergeant-at-Arms of the Council was by tradition a serving member of the RCMP dressed in his full red serge uniform complete with a holstered service revolver.

The initial reaction was NO! NO! NO! – RCMP personnel in uniform cannot be admitted into the building. The House is its own protective service and no member of any other police force may enter. After a discussion, at a fairly high level, it was agreed because of the tradition and history that the RCMP member could carry out his duties as Sergeant-at-Arms for the NWT Council. This agreement, however, was subject to 2 strict conditions – 1. He would, without exception, perform ceremonial duties only within the parliamentary precinct, and 2. He would not bring in his revolver.

A final comment about security in the Canadian Parliament. The Senate and the House of Commons each have their own separate security services reporting to the appropriate Sergeant-at-Arms.

Quebec: The Sergeant-at-Arms is an officer of the National Assembly responsible for security within the parliamentary precinct. I understand that he or she has direction over a separate protective service employed by the National Assembly. I am not aware of the details of the management structure. Specifically I do not know if the Sergeant reports to the Clerk as in Ottawa or directly to the Speaker as may be the case in some jurisdictions.

Ontario: My understanding of the arrangement in Ontario is that again the Sergeant-at-Arms is an officer of the Assembly and is responsible for security. The required manpower in recent years was provided by the Ontario Provincial Police working on contract to the Assembly and under the direction of the Sergeant-at-Arms and that may still be the case. As in Quebec I am not sure of the reporting relationship for the Sergeant.

The employment of an outside police force for security within a parliament may seem unusual and might be seen by some as a threat to the independence of Parliament. However, in the UK a similar arrangement was made to deal with the very real threat of

IRA attacks. A special unit of the London Metropolitan Police was assigned to security duties within the parliamentary precinct. I do not know whether this arrangement is still in effect.

In all Provinces and Territories not already mentioned there is a Sergeant-at-Arms who I think in most cases has some responsibility for security. Whether this individual reports to the Clerk or the Speaker I am not aware. In most cases, but I am sure not all, they are sessional employees who work only when the legislature is in session. In Manitoba, and I think in several other jurisdictions, the individuals recruited to be Sergeant-at-Arms or to work under his or her direction are usually ex-RCMP, ex-City Police [that's the case in Winnipeg] or ex-Armed Forces personnel.

A contact list of Clerks' names, addresses, e-mail addresses and phone numbers for various Canadian House of Commons and Provincial Assemblies:

Canada – William Corbett – Room 228-N, Centre Block, House of Commons, Ottawa, ON K1A 0A6; corbew@parl.gc.ca; (613) 992-2986

Alberta – Dr. W.J. David McNeil – 801 Legislature Annex, 9718 – 107 Street, Edmonton, AB T5K 1E4; david.mcneil@assembly.ab.ca; (780) 427-2478

British Columbia – E. George MacMinn, Q.C. – Room 221 Parliament Buildings, Victoria, B.C.; ClerkHouse@leg.bc.ca; (250) 387-3785

Manitoba – Patricia Chaychuk – 237 Legislative Building, 450 Broadway, Winnipeg, MB R3C 0V8; pchaychuk@leg.gov.mb.ca – (204) 945-3636

New Brunswick – Loredana Catalli Sonier – Legislative Assembly Building, P.O. Box 6000, Fredericton, NB E3B 5H1; l.catalli.sonier@gnb.ca - (506) 453-2506

Newfoundland – A. John Noel – P.O. Box 8700, Confederation Building, St. John's, NF A1B 4J6; jnoel@mail.gov.nf.ca; (709) 729-2579

Northwest Territories – Tim Mercer – P.O. Box 1320, Yellowknife, NT X1A 2L9; a recent appointment and I don't have an e-mail address for him yet; (867) 669-2299

Nova Scotia – Roderick K MacArthur – Province House, Halifax, NS B3J 2Y3; gallanpm@gov.ns.ca; (902) 424-5978

Nunavut – John Quirke – P.O. Box 1200, Stn 1000, Iqaluit, NU X0A 0H0; jquirke@assembly.nu.ca; (867) 979-6770

Ontario - Claude L. DesRosiers – Room 104, Main Legislative Building, Queen's Park, Toronto, ON M7A 1A2; clerks-office@ontla.ola.org; (416) 325-7341

Prince Edward Island – Charles H. MacKay – Province House, P.O. Box 2000, Charlottetown, PEI C1A 7N8; chmackay@gov.pe.ca; (902) 368-5970

Quebec – Francois Cote – Hotel du Parlement, 1035 des Parlementaires, Bureau 2.55, Quebec (Quebec) G1A 1A3; fcote@assna.qc.ca; (418) 643-2724

Saskatchewan – Gwenn Ronyk – Room 239 Legislative Building, Regina, SK S4S 0B3; gronyk@legassembl.sk.ca; (306) 787-2374

Yukon – Patrick L. Michael – P.O. Box 2703, Whitehorse, YT Y1A 2C6; Patrick.Michael@gov.yk.ca; (867) 667-5498

Appendix B

Summary Of Possible Actions

1. The National Assembly should have a special joint committee or subcommittee on parliamentary security, comprised of members from both houses and appointed through the same procedure as other committees, with the committee or subcommittee to be responsible for overseeing and monitoring all aspects of security in the National Assembly Building or buildings and their surrounding grounds and parking facilities.
2. A key component of the monitoring responsibility of the parliamentary security committee should be to conduct an annual review and assessment, in conjunction with the director of National Assembly security, of the state of security operations in the parliament and submit a report, along with recommendations, to the National Assembly.
3. The parliamentary security committee should be provided with funding to permit it undertake at least one study tour per year to observe and examine security operations in other parliaments and legislatures, particularly those in nearby countries where security requirements may be most similar to theirs and where travel costs would not prohibitive.
4. All security personnel of the National Assembly should be employees of the National Assembly.
5. If any members of the National Assembly security personnel remain under an executive ministry, the parliament should secure an understanding with the head of the ministry that: a) the committee on parliamentary security (if it is created) or the top administrative official of the National Assembly (if a committee is not created) will have right of approval on all personnel assigned by the ministry to the National Assembly staff detail; and, b) in the event the head of the security detail receives conflicting directives from the National Assembly and the ministry, the directive of the National Assembly will always take precedence.
6. A metal detector and an x-ray machine to screen carry-in items should be at each entry point to the National Assembly's facilities.
7. National Assembly security personnel should continually patrol the grounds surrounding their building(s). If this is not feasible and the only security checkpoint is at the entrance to the grounds, a second metal detector and x-ray machine checkpoint should be established just inside the public entrance to the building or buildings.
8. The National Assembly should examine the feasibility of installing a computerized visitor management system to streamline and expedite visitor entry processes into its facilities and enable parliamentary security personnel to exercise effective visitor control.

9. The National Assembly should have a comprehensive and carefully designed emergency evacuation plan to allow for a speedy and orderly evacuation of its facilities in emergency situation. The evacuation plan should be clearly understood by all security personnel and should be rehearsed through periodic evacuation drills.
10. Every National Assembly security officer should be fully trained and qualified in the use of firearms, and some officers should be provided with specialized training in hostage negotiation and counter terrorism measures.
11. National Assembly security personnel should be provided with walkie-talkie equipment that will allow its personnel to maintain instantaneous encrypted communication with each other and with the main security office
12. An emergency notification button should be installed on the presiding officer's rostrum in the meeting chambers of both the *Wolesi Jirga* and the *Meshrano Jirga* to enable the presiding officer of each house to immediately notify the main security office in the event of a disturbance in the chamber.
13. Parking facilities should be provided for the public in an area adjacent to or in close proximity to the National Assembly's meeting and office facilities.
14. National Assembly security personnel should conduct round-the-clock patrols of all parking facilities used by members, employees and building visitors.
15. No individual other than official National Assembly security personnel should be allowed to carry a firearm or dangerous weapon on their person inside the National Assembly's facilities or on its surrounding grounds.
16. If leaders of the National Assembly conclude that they cannot restrict the carrying of firearms or dangerous weapons within the National Assembly's facilities or on its surrounding grounds to official security personnel, possession of a firearm or weapon within the facilities or on its grounds should be restricted to individuals granted specific authorization to do so by the director of National Assembly security and, then, only upon presentation to the director of documentation demonstrating that they have undergone appropriate training in the use of the firearm or weapon that they wish to carry on their person.
17. The National Assembly should offer publicized guided tours of its facilities to the general public, with individuals who go on such tours subject to the same entry requirements and security regulations as those who enter the facilities for official business purposes.

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